178 FERC ¶ 61,066
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Richard Glick, Chairman;
James P. Danly, Allison Clements,
Mark C. Christie, and Willie L. Phillips.

Western Area Power Administration Docket No. NJ21-13-000

ORDER ON PETITION FOR DECLARATORY ORDER

(Issued January 28, 2022)

1. On September 17, 2021, Western Area Power Administration (WAPA) submitted a petition for declaratory order requesting that the Commission find that revisions to its non-jurisdictional Open Access Transmission Tariff (OATT) substantially conform with or are superior to the Commission's *pro forma* OATT and qualify WAPA's OATT as an acceptable reciprocity tariff.[1] WAPA states that the purpose of these tariff revisions is to modify WAPA's Large Generator Interconnection Procedures (LGIP) and Large Generator Interconnection Agreement (LGIA) to implement the requirements of Order No. 845[2] and to make other limited and ministerial edits. WAPA, however, explains that it has deferred making tariff revisions implementing the mandates of Order No. 1000[3] until a later date. In this order, we grant WAPA's petition in part, but we also find that WAPA's OATT as revised is not yet an acceptable reciprocity tariff, as discussed below.

---

[1] WAPA seeks an exemption from the filing fee applicable to petitions for declaratory orders based on its status as an agency of the United States Department of Energy.

[2] *Reform of Generator Interconnection Procedures and Agreements*, Order No. 845, 163 FERC ¶ 61,043, at P 6 (2018), *order on reh'g*, Order No. 845-A, 166 FERC ¶ 61,137, *order on reh'g*, Order No. 845-B, 168 FERC ¶ 61,092 (2019).

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

I. Background

A. WAPA's Reciprocity Status

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, Sierra Nevada Region, 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).[4] WAPA is, however, a transmitting utility subject to sections 210 through 213 of the FPA.[5]

3. In Order No. 888, the Commission established a safe harbor procedure for the filing of reciprocity transmission tariffs by non-public utilities.[6] Under this procedure, non-public utilities, such as WAPA, may voluntarily submit to the Commission an OATT and petition for declaratory order requesting that the Commission find that the tariff meets the Commission's comparability standards. If the Commission finds that the tariff contains terms and conditions that substantially conform with 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.[7] WAPA's OATT was previously determined to be an acceptable reciprocity tariff under Order No. 888.[8]

---

[4] 16 U.S.C. §§ 824, 824d, 824e.

[5] 16 U.S.C. §§ 824i-824*l*.

[6] *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 ¶ 61,220), *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).

[7] 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, FERC Stats. & Regs. ¶ 31,048 at 30,286.

[8] *W. Area Power Admin.*, 119 FERC ¶ 61,329 (2007).

4. Subsequently, in Order No. 890,[9] 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. In that order, the Commission also stated that any non-public utility with a safe harbor tariff that wished to continue to qualify for safe harbor treatment must amend its OATT so that the provisions therein substantially conform with or are superior to the revised *pro forma* OATT.[10] In 2010, WAPA submitted tariff revisions to comply with Order No. 890, and the Commission subsequently found that WAPA had an acceptable reciprocity tariff.[11]

5. In 2019, WAPA submitted a petition for declaratory order requesting that the Commission find that revisions to its tariff made to comply with the requirements of Order Nos. 676-H,[12] 764,[13] 784,[14] 792,[15] and 828[16] substantially conform with or are superior to the *pro forma* OATT. WAPA further requested that the Commission find that these

---

[9] *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).

[10] Order No. 890, 118 FERC ¶ 61,119 at P 191.

[11] *See W. Area Power Admin.*, 133 FERC ¶ 61,193 (2010); *W. Area Power Admin.*, Docket Nos. EF11-4-000 and EF11-4-001 (Apr. 25, 2011) (delegated order).

[12] *Standards for Business Practices and Communication Protocols for Public Utilities*, Order No. 676-H, 148 FERC ¶ 61,205 (2014), *order on reh'g*, 151 FERC ¶ 61,046 (2015).

[13] *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).

[14] *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).

[15] *Small Generator Interconnection Agreements and Procedures*, Order No. 792, 145 FERC ¶ 61,159 (2013), *clarifying*, Order No. 792-A, 146 FERC ¶ 61,214 (2014).

[16] *Requirements for Frequency and Voltage Ride Through Capability of Small Generating Facilities*, Order No. 828, 156 FERC ¶ 61,062 (2016).

revisions qualify WAPA's OATT as an acceptable reciprocity tariff. The Commission granted WAPA's petition in part, but found that WAPA's OATT, 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 OATT to also incorporate changes associated with Order Nos. 827, 842, 845, and 1000."[17]

6. Also in 2019, WAPA submitted a filing to modify its OATT to comply with the requirements of Order Nos. 827[18] and 842,[19] but deferred addressing the revisions promulgated in Order Nos. 845 and 1000 until a later date. The Commission granted WAPA's petition in part, finding that its revisions substantially conformed with or were superior to the *pro forma* OATT, but also found that "for the Commission to find that WAPA has an acceptable reciprocity tariff, WAPA must submit revisions to its OATT to also incorporate changes associated with Order Nos. 845 and 1000."[20]

7. In 2020, WAPA submitted a filing 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 (WEIS) Market administered by Southwest Power Pool, Inc. In the filing, WAPA explained that it had deferred addressing the revisions promulgated in Order Nos. 845 and 1000 until a later date. The Commission granted WAPA's petition in part, finding that its WEIS Market-related revisions substantially conformed with or were superior to the *pro forma* OATT, but also found that "for the Commission to find that WAPA has an acceptable reciprocity tariff, WAPA must submit revisions to its OATT to also incorporate changes associated with Order Nos. 845 and 1000."[21]

B. <u>Order No. 845</u>

8. On April 19, 2018, the Commission issued Order No. 845, which revised the Commission's *pro forma* LGIA and the *pro forma* LGIP to improve certainty for interconnection customers, promote more informed interconnection decisions, and

---

[17] *W. Area Power Admin.*, 168 FERC ¶ 61,022, at P 27 (2019).

[18] *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).

[19] *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).

[20] *W. Area Power Admin.*, 171 FERC ¶ 61,092, at P 23 (2020).

[21] *W. Area Power Admin.*, 174 FERC ¶ 61,072, at PP 23-24 (2021).

enhance the interconnection process. The Commission stated that it expects that these reforms will provide interconnection customers better information and more options for obtaining interconnection service, and as a result, there will be fewer overall interconnection requests and fewer interconnection requests failing to reach commercial operation. The Commission also stated that it expects that, as a result of these reforms, transmission providers will be able to focus resources on those interconnection requests most likely to reach commercial operation.[22] In Order No. 845-A, the Commission generally upheld the reforms it required in Order No. 845 but granted certain requests for rehearing and clarification.

9. In Order No. 845, the Commission adopted ten different reforms in three categories to improve the interconnection process. First, in order to improve certainty for interconnection customers, the Commission: (1) removed the limitation that interconnection customers may exercise the option to build the transmission provider's interconnection facilities[23] and stand alone network upgrades[24] only in instances when the transmission provider cannot meet the dates proposed by the interconnection customer;[25] and (2) required that transmission providers establish interconnection dispute resolution procedures that allow a disputing party unilaterally to seek non-binding dispute resolution.[26]

---

[22] Order No. 845, 163 FERC ¶ 61,043 at P 2; Order No. 845-A, 166 FERC ¶ 61,137 at P 1.

[23] Transmission provider's interconnection facilities are "all facilities and equipment owned, controlled or operated by the Transmission Provider from the Point of Change of Ownership to the Point of Interconnection as identified in Appendix A to the Standard Large Generator Interconnection Agreement, including any modifications, additions or upgrades to such facilities and equipment. Transmission Provider's Interconnection Facilities are sole use facilities and shall not include Distribution Upgrades, Stand Alone Network Upgrades or Network Upgrades." *Pro forma* LGIA art. 1 (Definitions).

[24] Stand alone network upgrades are "Network Upgrades that an Interconnection Customer may construct without affecting day-to-day operations of the Transmission System during their construction. Both the Transmission Provider and the Interconnection Customer must agree as to what constitutes Stand Alone Network Upgrades and identify them in Appendix A to the Standard Large Generator Interconnection Agreement." *Id.*

[25] Order No. 845, 163 FERC ¶ 61,043 at P 85.

[26] *Id.* P 3.

10. Second, to promote more informed interconnection decisions, the Commission: (1) required transmission providers to outline and make public a method for determining contingent facilities;[27] (2) required transmission providers to list the specific study processes and assumptions for forming the network models used for interconnection studies; (3) revised the definition of "Generating Facility" to explicitly include electric storage resources; and (4) established reporting requirements for aggregate interconnection study performance.[28]

11. Third, the Commission adopted reforms to enhance the interconnection process by (1) allowing interconnection customers to request a level of interconnection service that is lower than their generating facility capacity; (2) requiring transmission providers to allow for provisional interconnection agreements that provide for limited operation of a generating facility prior to completion of the full interconnection process; (3) requiring transmission providers to create a process for interconnection customers to use surplus interconnection service[29] at existing points of interconnection; and (4) requiring transmission providers to set forth a procedure to follow when assessing and, if necessary, studying an interconnection customer's technology changes without affecting the interconnection customer's queue position.[30]

II. WAPA Filing

A. Proposed Revisions

12. WAPA states that it has incorporated all of the Commission's *pro forma* LGIP and *pro forma* LGIA reforms as required by Order Nos. 845 and 845-A, with modifications (1) to account for the statutory requirements and FPA compliance exemptions applicable

---

[27] Contingent facilities are "those unbuilt Interconnection Facilities and Network Upgrades upon which the Interconnection Request's costs, timing, and study findings are dependent, and if delayed or not built, could cause a need for Re-Studies of the Interconnection Request or a reassessment of the Interconnection Facilities and/or Network Upgrades and/or costs and timing." *Pro forma* LGIP § 1 (Definitions).

[28] Order No. 845, 163 FERC ¶ 61,043 at P 4.

[29] Order No. 845 added a definition for "Surplus Interconnection Service" to section 1 of the *pro forma* LGIP and article 1 of the *pro forma* LGIA, defining the term as "any unused portion of Interconnection Service established in a Large Generator Interconnection Agreement, such that if surplus interconnection service is utilized the Interconnection Service limit at the Point of Interconnection would remain the same." *Id.* P 459.

[30] *Id.* P 5.

to WAPA as a federal power marketing administration; and (2) to incorporate certain Commission-approved non-*pro forma* revisions made by various jurisdictional transmission providers.[31] WAPA also proposes additional OATT modifications, such as the non-*pro forma* term "Interconnection Service Level," and ministerial edits, such as minor corrections to capitalization, carriage returns, pluralization, and spacing in various LGIP and LGIA provisions.[32] WAPA requests that the proposed OATT revisions become effective on December 15, 2021.[33]

B. Deferral of OATT Revisions Related to Order No. 1000

13. WAPA states that it will defer revising its OATT to incorporate changes resulting from Order No. 1000. WAPA explains that its Desert Southwest, Rocky Mountain Region, and Sierra Nevada Region are currently participating in the WestConnect transmission planning region. WAPA states that it will continue to defer the incorporation of any proposed Order No. 1000-related provisions until such time as WAPA can ensure that the final modifications to the WestConnect transmission planning region documents will not conflict with WAPA's statutory requirements and WAPA determines whether Desert Southwest, Rocky Mountain Region, and Sierra Nevada Region can continue to participate. WAPA states that it will submit a subsequent filing to the Commission addressing the requirements of Order No. 1000 as soon as practicable after WAPA completes its review and obtains input from affected stakeholders.[34]

III. Notice and Responsive Pleadings

14. Notice of WAPA's filing was published in the *Federal Register*, 86 Fed. Reg. 53,954 (Sept. 29, 2021), with interventions and protests due on or before October 18, 2021. City of Redding, California and City of Santa Clara, California filed timely motions to intervene.

---

[31] WAPA Transmittal at 4. *See, e.g.*, *Tri-State Generation and Transmission Ass'n*, 171 FERC ¶ 61,123 (2020).

[32] WAPA Transmittal at 19.

[33] *Id.* at 21.

[34] *Id.* at 20-21.

IV. Discussion

A. Procedural Matters

15. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2021), the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

16. 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.[35]

B. Substantive Matters

17. We grant in part and deny in part WAPA's petition for declaratory order. We find that most of the revised terms and conditions of WAPA's OATT that incorporate revisions related to Order Nos. 845 and 845-A, as well as WAPA's other ministerial edits, substantially conform with or are superior to the Commission's *pro forma* OATT, as discussed in more detail below. However, we find that the language in sections 3.3.5.2 and 3.3.6.6 of the LGIP in WAPA's revised OATT must be modified in order to substantially conform with or be superior to the Commission's *pro forma* OATT. In addition, for the Commission to find that WAPA has an acceptable reciprocity tariff, WAPA must submit revisions to its OATT to incorporate changes associated with Order No. 1000. For these reasons, we cannot find that WAPA's OATT, as revised here, is an acceptable reciprocity tariff.[36] We encourage WAPA to file a further updated OATT once it completes its stakeholder process and review.

---

[35] 18 C.F.R. §§ 381.102(a), 381.108(a), 381.302(c) (2021).

[36] 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. Dep't 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); *W. Area Power Admin.*, 168 FERC ¶ 61,022 at P 27 (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); *W. Area Power Admin.*, 171 FERC ¶ 61,092 at P 23 (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. 845 and 1000); *W. Area Power Admin.*, 174 FERC ¶ 61,072 at PP 23-24 (finding that WAPA's tariff did not meet the

1. Interconnection Customer's Option to Build

18. In Order No. 845, the Commission revised articles 5.1, 5.1.3, and 5.1.4 of the *pro forma* LGIA to allow interconnection customers to unilaterally exercise the option to build for stand alone network upgrades and the transmission provider's interconnection facilities, regardless of whether the transmission provider can complete construction of such facilities by the interconnection customer's proposed in-service date, initial synchronization date, or commercial operation date.[37] Prior to Order No. 845, this option to build was available to an interconnection customer only if the transmission provider did not agree to the interconnection customer's preferred construction timeline.[38] The Commission stated in Order No. 845 that this reform of the option to build will "benefit the interconnection process by providing interconnection customers more control and certainty during the design and construction phases of the interconnection process."[39]

19. In Order No. 845-A, the Commission granted rehearing and clarification of certain aspects of the revised option to build. Specifically, the Commission revised the definition of stand alone network upgrade in the *pro forma* LGIP and *pro forma* LGIA to: (1) state that, when there is a disagreement, the transmission provider must provide the interconnection customer a written technical explanation outlining why the transmission provider does not consider a specific network upgrade to be a stand alone network upgrade;[40] and (2) clarify that the option to build does not apply to stand alone network upgrades on affected systems.[41] The Commission also made revisions to article 5.2 of the *pro forma* LGIA to allow transmission providers to recover oversight costs related to the interconnection customer's option to build.[42] In addition, the Commission clarified that the revised option to build provisions apply to all public utility transmission

---

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

[37] Order No. 845, 163 FERC ¶ 61,043 at PP 85-87.

[38] Order No. 2003, 104 FERC ¶ 61,103 at P 353; *see also pro forma* LGIP § 5.1.3.

[39] Order No. 845, 163 FERC ¶ 61,043 at P 85.

[40] Order No. 845-A, 166 FERC ¶ 61,137 at P 68.

[41] *Id.* P 61.

[42] *Id.* P 75.

providers, including those that reimburse the interconnection customer for network upgrades.[43]

a. WAPA Filing

20. WAPA proposes to revise the definition of stand alone network upgrade in its LGIP and *pro forma* LGIA to incorporate the revisions to the definition adopted by Order Nos. 845 and 845-A and to specify 15 calendar days in the timeline in the last sentence. Specifically, the last sentence of the definition states

> If the Transmission Provider and Interconnection Customer disagree about whether a particular Network Upgrade is a Stand Alone Network Upgrade, the Transmission Provider must provide the Interconnection Customer a written technical explanation outlining why the Transmission Provider does not consider the Network Upgrade to be a Stand Alone Network Upgrade within fifteen (15) Calendar Days of its determination.[44]

WAPA states that although Order No. 845-A did not specify whether the timeline is to be measured in business days or calendar days, it believes the Commission's intent was calendar days.[45]

21. WAPA also proposes revisions to its *pro forma* LGIA to amend articles 5.1, 5.1.3, and 5.1.4 to incorporate the *pro forma* LGIA revisions adopted by Order Nos. 845 and 845-A without modification.[46] WAPA proposes to modify article 5.2(12) to state that the interconnection customer shall pay the transmission provider the actual costs pursuant to article 11.5 of the LGIA for the transmission provider to execute its responsibilities associated with the option to build, removing the statement that the total amount will be divided on a monthly basis. WAPA states that the modifications reflect the fact that

---

[43] *Id.* P 33.

[44] WAPA, OATT, attach. L (Standard LGIP), § 1 (Definitions) (2.0.0).

[45] WAPA Transmittal at 10-11.

[46] WAPA, OATT, attach. L (Standard LGIP), app. 6 (Standard LGIA), art. 5.1 (Options) (2.0.0).

WAPA is required by statute to charge interconnection customers in advance for all actual costs incurred by WAPA in the performance of its responsibilities.[47]

b. Commission Determination

22. We find that WAPA's proposed revisions regarding the option to build substantially conform with or are superior to the requirements of Order Nos. 845 and 845-A. For LGIA articles 5.1, 5.1.3, and 5.1.4, WAPA adopts the Commission's *pro forma* provisions without modification. Although WAPA proposes modifications to the Commission's *pro forma* LGIA article 5.2(12), they are consistent with WAPA's statutory requirement to charge interconnection customers in advance for all actual costs incurred by WAPA in the performance of its responsibilities. We find that WAPA's revisions for the definition of stand alone network upgrade and for LGIA articles 5.1, 5.1.3, 5.1.4, and 5.2(12) substantially conform with or are superior to the Commission's *pro forma* OATT.

2. Dispute Resolution

23. In Order No. 845, the Commission revised the *pro forma* LGIP by adding new section 13.5.5, which establishes generator interconnection dispute resolution procedures that allow a disputing party to unilaterally seek non-binding dispute resolution.[48] The Commission established these new procedures because dispute resolution was previously unavailable when the parties did not mutually agree to pursue a binding arbitration under section 13.5 of the pre-Order No. 845 *pro forma* LGIP. The Commission further explained that participation in the new non-binding dispute resolution process in *pro forma* LGIP section 13.5.5 does not preclude disputing parties from pursuing binding arbitration after the conclusion of the non-binding dispute resolution process if they seek a binding result.[49]

---

[47] WAPA explains that a key requirement of the Federal Anti-Deficiency Act restricts WAPA from obligating funds which have not yet been Congressionally appropriated or authorized for expenditure. WAPA Transmittal at 11 n.19 (citing 31 U.S.C. § 1341(a)(1)).

[48] Order No. 845, 163 FERC ¶ 61,043 at P 133; *see also pro forma* LGIP § 13.5.5.

[49] Order No. 845, 163 FERC ¶ 61,043 at P 139.

a. WAPA Filing

24. WAPA proposes revisions to its LGIP to add the new *pro forma* LGIP section 13.5.5 required by Order Nos. 845 and 845-A, with two modifications.[50] WAPA specifies that the 30-day timeline for a transmission provider to appoint a neutral decision maker upon receipt of a request for non-binding dispute resolution refers to 30 calendar days. WAPA states that this modification is in conformance with other timelines in the *pro forma* LGIP provision. Also, WAPA removes the reference to "Federal Power Act section 206 complaint" in the penultimate sentence, explaining that WAPA is not subject to the Commission's jurisdiction under FPA section 206.[51]

b. Commission Determination

25. We find that WAPA's proposed LGIP revisions regarding dispute resolution substantially conform with or are superior to the requirements of Order Nos. 845 and 845-A. WAPA's clarification to the timeline by which a transmission provider must provide a neutral decision-maker to specify 30 calendar days is consistent with other timelines in *pro forma* LGIP section 13.5.5. We also find that WAPA's removal of the phrase "Federal Power Act section 206 complaint" is appropriate given that WAPA is not subject to the Commission's jurisdiction under FPA section 206. Accordingly, we find that WAPA's proposed revisions to LGIP section 13.5.5 substantially conform with or are superior to the Commission's *pro forma* OATT.

3. Identification and Definition of Contingent Facilities

26. In Order No. 845, the Commission added a new definition to section 1 of the *pro forma* LGIP, providing that contingent facilities shall mean those unbuilt interconnection facilities and network upgrades upon which the interconnection request's costs, timing, and study findings are dependent, and if delayed or not built, could cause a need for restudies of the interconnection request or a reassessment of the interconnection facilities and/or network upgrades and/or costs and timing.[52] The Commission also added new section 3.8 to the *pro forma* LGIP, which requires transmission providers to include, within section 3.8, a method for identifying the contingent facilities that they will provide to the interconnection customer at the conclusion of the system impact study and include

---

[50] WAPA, OATT, attach. L (Standard LGIP), § 13.5.5 (Disputes) (3.0.0).

[51] WAPA Transmittal at 17-18.

[52] Order No. 845, 163 FERC ¶ 61,043 at P 218; *see also pro forma* LGIP § 1 (Definitions).

in the interconnection customer's generator interconnection agreement.[53] The Commission specified that the method must be sufficiently transparent to determine why a specific contingent facility was identified and how it relates to the interconnection request.[54] The Commission stated that this transparency will ensure that the method is applied on a non-discriminatory basis.[55] The Commission further required that transmission providers provide, upon the interconnection customer's request, the estimated network upgrade costs and estimated in-service completion date associated with each identified contingent facility when this information is readily available and not commercially sensitive.[56]

a. <u>WAPA Filing</u>

27. WAPA adopts the Commission's *pro forma* LGIP definition of contingent facilities with two proposed revisions. First, WAPA proposes to revise the definition to include "and/or planned upgrades not yet in service" among the type of facilities upon which the interconnection request's costs, timing, and study findings are dependent. Second, WAPA appends a sentence stating that contingent facilities are identified in Appendix A of the LGIA.[57] WAPA states that its proposed revisions are the same as those filed by Tri-State Generation and Transmission Association, Inc. (Tri-State) and accepted by the Commission.[58]

28. WAPA also proposes revisions to its LGIP section 3.8 to identify contingent facilities. WAPA proposes that, as part of the interconnection system impact study, the transmission provider will review all additions, modifications, and upgrades to the transmission provider's expansion plan, as well as facilities identified as network upgrades through the interconnection system impact studies for higher queued interconnection requests that are not yet in service. Under the proposed revisions, WAPA will identify contingent facilities as those facilities for which the power transfer distribution factor or outage transfer distribution factor is five percent or greater. WAPA

---

[53] Order No. 845, 163 FERC ¶ 61,043 at P 199.

[54] *Id.*; *see also pro forma* LGIP § 3.8.

[55] Order No. 845, 163 FERC ¶ 61,043 at P 200.

[56] *Id.* P 199; *see also pro forma* LGIP § 3.8.

[57] WAPA, OATT, attach. L (Standard LGIP), § 1 (Definitions) (2.0.0).

[58] WAPA Transmittal at 4-5 (citing Tri-State, Compliance Filing, Docket No. ER20-687-000, at 7-8 (filed Dec. 27, 2019); *Tri-State Generation and Transmission Ass'n*, 171 FERC ¶ 61,123 at PP 21, 26).

will also identify contingent facilities through "Affected System studies based on their respective criteria."[59] At the conclusion of the interconnection system impact study, WAPA will provide the interconnection customer with a list of all contingent facilities identified. This list will also be included in the interconnection customer's LGIA. WAPA states that its proposed method is the same as that filed by Arizona Public Service Company (APS) and accepted by the Commission.[60]

b. Commission Determination

29. We find that WAPA's proposed variation to the definition of contingent facilities, which would allow WAPA to identify planned upgrades that are not yet in service as contingent facilities, substantially conforms with or is superior to the Order Nos. 845 and 845-A provisions in the Commission's *pro forma* OATT because the proposed variation adds clarity regarding the type of facilities WAPA will consider and the facilities on which an interconnection request's costs, timing, and study findings depend.

30. Furthermore, we find that WAPA's proposed revisions regarding its methods for identifying contingent facilities, including the technical screens and thresholds, substantially conform with or are superior to the Commission's *pro forma* OATT. We find that WAPA's methodology for determining contingent facilities is sufficiently transparent to determine why a specific contingent facility is identified and how it relates to the interconnection request. WAPA's proposed revisions ensure that contingent facilities will be identified in a consistent, non-discriminatory manner. Finally, WAPA's proposed OATT revisions substantially conform with or are superior to the requirements related to providing estimated network upgrade costs and estimated in-service completion dates associated with contingent facilities to the interconnection customer.

4. Transparency Regarding Study Models and Assumptions

31. In Order No. 845, the Commission revised section 2.3 of the *pro forma* LGIP to require transmission providers to maintain network models and underlying assumptions on either an Open Access Same-Time Information System (OASIS) site or a password-protected website. If the transmission provider posts this information on a password-protected website, a link to the information must be provided on its OASIS site. Revised *pro forma* LGIP section 2.3 also requires that "network models and underlying

---

[59] WAPA, OATT, attach. L (Standard LGIP), § 3.8 (Identification of Contingent Facilities) (0.0.0).

[60] WAPA Transmittal at 5 (citing APS, Compliance Filing, Docket No. ER19-1939-000 (filed May 22, 2019, amended Apr. 30, 2020); *Ariz. Pub. Serv. Co.*, 170 FERC ¶ 61,111, at PP 22-27 (2020); *Ariz. Pub. Serv. Co.*, Docket No. ER19-1939-001, et al. (Aug. 5, 2020) (delegated order)).

assumptions reasonably represent those used during the most recent interconnection study and be representative of current system conditions."[61] In addition, the Commission revised *pro forma* LGIP section 2.3 to allow transmission providers to require interconnection customers, OASIS site users, and password-protected website users to sign a confidentiality agreement before the release of commercially sensitive information or critical energy infrastructure information (CEII).[62]

32. In Order No. 845-A, the Commission reiterated that neither the Commission's CEII regulations nor Order No. 845 precludes a transmission provider from taking necessary steps to protect information within its custody or control to ensure the safety and security of the electric grid.[63] The Commission also clarified that, to the extent any party would like to use the Commission's CEII regulations as a model for evaluating entities that request network model information and assumptions (prior to signing a non-disclosure agreement), it may do so.[64] The Commission further clarified that the phrase "current system conditions" does not require transmission providers to maintain network models that reflect current real-time operating conditions of the transmission provider's system. Instead, the network model information should reflect the system conditions currently used in interconnection studies.[65]

a. <u>WAPA Filing</u>

33. WAPA proposes revisions to its LGIP to add a new section 2.3 that incorporates the language adopted in Order Nos. 845 and 845-A with one modification.[66] WAPA requires that such models and underlying assumptions reasonably represent those used during the most recent interconnection study "for which the Interconnection Customer has a valid Interconnection Request" and be representative of current system conditions "with assumed higher queued generation and transmission additions." WAPA states that the proposed revisions are consistent with its current modeling methodology and are the

---

[61] Order No. 845, 163 FERC ¶ 61,043 at P 236.

[62] *Id.*; *see also pro forma* LGIP § 2.3.

[63] Order No. 845-A, 166 FERC ¶ 61,137 at P 84 (citing Order No. 845, 163 FERC ¶ 61,043 at P 241).

[64] *Id.* P 85 (citing 18 C.F.R. § 388.113(g)(5)(i) (2021)).

[65] *Id.* P 88.

[66] WAPA, OATT, attach. L (Standard LGIP), §2.3 (Base Case Data) (2.0.0).

same as those filed by Public Service Company of New Mexico (PNM) and accepted by the Commission.[67]

b. Commission Determination

34. We find that WAPA's proposed LGIP revisions regarding study models and assumptions, including its modification to specify that such models and underlying assumptions reasonably represent those used during the most recent interconnection study "for which the Interconnection Customer has a valid Interconnection Request" and be representative of current system conditions "with assumed higher queued generation and transmission additions," clarify WAPA's process. Accordingly, we find that WAPA's proposed LGIP revisions regarding study models and assumptions substantially conform with or are superior to the Commission's *pro forma* OATT.

5. Definition of Generating Facility

35. In Order No. 845, the Commission revised the definition of "Generating Facility" to include electric storage resources and to allow electric storage resources to interconnect pursuant to the Commission-jurisdictional large generator interconnection processes. Specifically, the Commission revised the definition of "Generating Facility" in the *pro forma* LGIP and *pro forma* LGIA as follows:

> **Generating Facility** shall mean Interconnection Customer's device for the production *and/or storage for later injection* of electricity identified in the Interconnection Request, but shall not include the Interconnection Customer's Interconnection Facilities.[68]

The Commission found that this definitional change will reduce a potential barrier to large electric storage resources with a generating facility capacity above 20 MW that wish to interconnect pursuant to the terms in the *pro forma* LGIP and *pro forma* LGIA.[69]

---

[67] WAPA Transmittal at 15 (citing PNM, Compliance Filing, Docket No. ER19-1955-000, at 2-3 (filed May 22, 2019); *Pub. Serv. Co. of N.M.*, 169 FERC ¶ 61,222, at PP 26, 28 (2019)).

[68] Order No. 845, 163 FERC ¶ 61,043 at P 275 (emphasis added); *see also pro forma* LGIP § 1 (Definitions).

[69] Order No. 845, 163 FERC ¶ 61,043 at P 275.

a. WAPA Filing

36. WAPA proposes revisions to section 1 of its LGIP and LGIA to incorporate the language adopted in Orders Nos. 845 and 845-A.[70] WAPA also modifies the definition to include "Surplus Interconnection Service Customer" and "Surplus Interconnection Service Request." WAPA explains that without this revision, the term Generating Facility is not usable within WAPA's LGIP insofar as the *pro forma* definitions encompass only interconnection customers and not Surplus Interconnection Service Customers.[71]

b. Commission Determination

37. We find that WAPA's revisions regarding the definition of a "Generating Facility" substantially conform with or are superior to the Commission's *pro forma* OATT because WAPA adopts the Commission's *pro forma* LGIP and *pro forma* LGIA provisions with limited modifications to add clarity.

6. Interconnection Study Deadlines

38. In Order No. 845, the Commission modified the *pro forma* LGIP to add sections 3.5.2 and 3.5.3, which require transmission providers to calculate and maintain on their OASIS sites or public websites summary statistics related to the timing of the transmission provider's processing of interconnection studies and to update those statistics on a quarterly basis.[72] In these sections, the Commission included bracketed OATT language to be completed by the transmission provider in accordance with the timelines established for the various studies in their LGIPs.[73] The Commission also revised the *pro forma* LGIP to add section 3.5.4 to require transmission providers to file informational reports with the Commission if a transmission provider exceeds its interconnection study deadlines for more than 25% of any study type for two consecutive calendar quarters.[74] In adopting these reporting requirements, the Commission found that the reporting requirements strike a reasonable balance between providing increased

---

[70] WAPA, OATT, attach. L (Standard LGIP), § 1 (Definitions) (2.0.0).

[71] WAPA Transmittal at 5-6, 18.

[72] Order No. 845, 163 FERC ¶ 61,043 at P 305; *see also pro forma* LGIP §§ 3.5.2, 3.5.3.

[73] Order No. 845, 163 FERC ¶ 61,043 at P 305; *see also pro forma* LGIP §§ 3.5.2, 3.5.3.

[74] Order No. 845, 163 FERC ¶ 61,043 at P 305; *see also pro forma* LGIP § 3.5.4.

transparency and information to interconnection customers and not unduly burdening transmission providers.[75] In Order No. 845-A, the Commission revised *pro forma* LGIP section 3.5.3 to clarify that the data reporting and retention requirements begin in the first calendar quarter of 2020.[76]

a. WAPA Filing

39. WAPA proposes revisions to its LGIP to add a new section 3.5.2 that incorporates the *pro forma* language of Order Nos. 845 and 845-A.[77] Additionally, WAPA proposes OATT revisions to LGIP section 3.5.2.1 with a feasibility study completion deadline of 45 calendar days, to LGIP section 3.5.2.2 with a system impact study completion deadline of 90 calendar days, and to LGIP section 3.5.2.3 with a facilities study completion deadline of 90 or 180 calendar days, as appropriate for that study. WAPA states that the proposed revisions are similar to those filed by several transmission providers and approved by the Commission.[78] WAPA proposes two additional revisions. First, WAPA proposes to modify the term "System Impact Studies" in LGIP section 3.5.2.2(C) to "Interconnection System Impact Studies." Second, WAPA inserts "and tendered to the Interconnection Customer in draft form" in LGIP sections 3.5.2.3(A) and 3.5.2.3(B) and "draft" in LGIP section 3.5.2.3(D) to reflect the requirement in LGIP section 8.3 that "Transmission Provider shall use Reasonable Efforts to complete the study and issue a draft Interconnection Facilities Study report to Interconnection Customer" within the applicable timelines. WAPA states that the proposed revisions are the same as those filed by El Paso Electric Company (El Paso Electric) and accepted by the Commission.[79]

40. WAPA also proposes revisions to LGIP sections 3.5.3 and 3.5.4 to specify that the transmission provider is required to post the measures in paragraph 3.5.2.1(A) through paragraph 3.5.2.4(F) and information related to the number of hours expended towards interconnection studies, respectively, within 30 calendar days of the end of the calendar quarter. WAPA states that although Order No. 845 did not indicate whether these *pro*

---

[75] Order No. 845, 163 FERC ¶ 61,043 at P 307.

[76] Order No. 845-A, 166 FERC ¶ 61,137 at P 107.

[77] WAPA, OATT, attach. L (Standard LGIP), § 3.4 (OASIS Posting) (2.0.0).

[78] WAPA Transmittal at 17 (citing Black Hills Power, Inc., Compliance Filing, Docket No. ER19-1926-000, at attach. P, LGIP §§ 3.5.2.1 – 3.5.2.3 (filed May 22, 2019); *Black Hills Power, Inc.*, 169 FERC ¶ 61,145, at PP 30-31 (2019)).

[79] *Id.* (citing El Paso Electric, Compliance Filing, Docket No. ER19-1953-000, at 3 (May 22, 2019); *El Paso Elec. Co.*, 170 FERC ¶ 61,115, at PP 36, 38 (2020)).

forma timelines are to be measured in business or calendar days, WAPA believes the Commission intended calendar days.[80] WAPA also revises the second sentence of LGIP section 3.5.3 to state "with the first required report to be for the first quarter of calendar year 2022." WAPA states that it is requesting an effective date of December 15, 2021 and will track its interconnection study metrics beginning the first calendar quarter of 2022. WAPA states that it will post its first quarterly metrics within 30 calendar days after the end of that calendar quarter.[81] WAPA also modifies LGIP section 3.5.4(i) to require that the transmission provider post the report on OASIS rather than submit it to the Commission and to remove the sentence requiring the report to be filed at the Commission within 45 days of the end of the calendar quarter. WAPA states that it is not subject to the filing requirements of FPA section 205 and WAPA's Commission-accepted Order No. 890 compliance filing omitted language that would have required WAPA to file transmission study delay notices with the Commission.[82]

b. Commission Determination

41. We find that WAPA's revised LGIP provisions that address WAPA's study deadline statistics and informational reporting requirements substantially conform with or are superior to the Commission's *pro forma* OATT because WAPA proposes to include *pro forma* LGIP sections 3.5.2, 3.5.3, and 3.5.4 with modifications that clarify terms, timelines, and the filing requirements of transmission study delay notices, and to replace the bracketed placeholders with timelines that align with the timelines already in its OATT.

7. Requesting Interconnection Service below Generating Facility Capacity

42. In Order No. 845, the Commission modified sections 3.1, 6.3, 7.3, 8.2, and Appendix 1 of the *pro forma* LGIP to allow interconnection customers to request interconnection service that is lower than the proposed generating facility's capacity,[83] recognizing the need for proper control technologies and flexibility for transmission

---

[80] *Id.*

[81] *Id.*

[82] *Id.*

[83] The term generating facility capacity is defined as "the net capacity of the Generating Facility and the aggregate net capacity of the Generating Facility where it includes multiple energy production devices." *Pro forma* LGIA art. 1 (Definitions).

providers to propose penalties to ensure that the generating facility does not inject energy above the requested level of service.[84]

43. The Commission required, in *pro forma* LGIP revised section 3.1, that transmission providers have a process in place to consider requests for interconnection service below the generating facility capacity. The Commission stipulated that such requests should be studied at the level of interconnection service requested for purposes of determining interconnection facilities, network upgrades, and associated costs, but that such requests may be subject to other studies at the full generating facility capacity to ensure safety and reliability of the system.[85] In addition, *pro forma* LGIP revised section 3.1 states that the interconnection customer is responsible for all study costs and interconnection facility and/or network upgrade costs required for safety and reliability. The Commission also required in *pro forma* LGIP revised section 3.1 that any necessary control technologies and/or protection systems be memorialized in the LGIA.

44. The Commission required, in *pro forma* LGIP revised sections 6.3, 7.3, and 8.2, that the feasibility, system impact, and facilities studies be performed at the level of interconnection service that the interconnection customer requests, unless the transmission provider is otherwise required to study the full generating facility capacity due to safety and reliability concerns. The Commission stated that, if the transmission provider determines that additional network upgrades are necessary based on these studies, it must specify which additional network upgrade costs are based on which studies and provide a detailed explanation of why the additional network upgrades are necessary.[86]

45. Finally, the Commission revised sections 4.4.1 and 4.4.2 of the *pro forma* LGIP to allow an interconnection customer to reduce the size of its interconnection request either

---

[84] Order No. 845, 163 FERC ¶ 61,043 at P 367; *see also pro forma* LGIP §§ 3.1, 6.3, 7.3, 8.2; *see also pro forma* LGIP app. 1.

[85] Order No. 845, 163 FERC ¶ 61,043 at PP 383-84.

[86] *Id.* P 384. The Commission clarified that, if the transmission provider determines, based on good utility practice and related engineering considerations and after accounting for the proposed control technology, that studies at the full generating facility capacity are necessary to ensure safety and reliability of the transmission system when an interconnection customer requests interconnection service that is lower than full generating facility capacity, then it must provide a detailed explanation for such a determination in writing to the interconnection customer. *Id.*

prior to returning to the transmission provider an executed system impact study agreement or an executed facilities study agreement.[87]

a. WAPA Filing

46. WAPA proposes revisions to its LGIP that adopt the Commission's *pro forma* LGIP section 8.2 and section 5.j of Appendix 1 to incorporate the language set forth in Order Nos. 845 and 845-A without modification.[88] WAPA proposes revisions to LGIP sections 3.1, 6.3, 7.3, and Appendix 1 to incorporate the language set forth in Order Nos. 845 and 845-A with modifications.

47. WAPA adds to LGIP section 1 the non-*pro forma* term "Interconnection Service Level," which is defined as "the maximum amount of electrical output (MW) requested by the Interconnection Customer to be injected at the Point of Interconnection." WAPA revises LGIP sections 3.1, 3.2, 4.4.1, 4.4.2, 6.3, and 7.3 to substitute this proposed term for the undefined phrases "level of interconnection service" and "Interconnection Service level" that are used in those provisions. WAPA states that its proposed term and its definition are mainly based on those filed by APS and accepted by the Commission.[89] WAPA also modifies "System Impact Study" to "Interconnection System Impact Study" in LGIP section 7.3.[90]

48. WAPA proposes to revise *pro forma* LGIP section 3.1 in the following manner:

> ~~Transmission Provider shall have a process in place to consider requests for Interconnection Service below the Generating Facility Capacity.~~ Interconnection Customer may request an Interconnection Service Level below the Generating Facility Capacity. These requests for Interconnection Service shall be studied at the ~~level of~~ Interconnection Service Level requested for purposes of

---

[87] *Id.* P 406; *see also pro forma* LGIP §§ 4.4.1, 4.4.2.

[88] WAPA, OATT, attach. L (Standard LGIP), § 8.2 (Scope of Interconnection Facilities Study) (2.0.0).

[89] WAPA Transmittal at 19 (citing APS, Compliance Filing, Docket No. ER19-1939-000, at 12 (filed May 22, 2019); *Ariz. Pub. Serv. Co.*, 170 FERC ¶ 61,111 at PP 77-78, 80).

[90] WAPA, OATT, attach. L (Standard LGIP), § 6.3 (Interconnection Feasibility Study Procedures) (2.0.0) and § 7.3 (Scope of Interconnection System Impact Study) (2.0.0).

> Interconnection Facilities, Network Upgrades, and associated costs, but may be subject to other studies at the full Generating Facility Capacity to ensure safety and reliability of the system, with the study costs borne by the Interconnection Customer. If after the additional studies are complete, Transmission Provider determines that additional Network Upgrades are necessary, then Transmission Provider must: (1) specify which additional Network Upgrade costs are based on which studies; and (2) provide a detailed explanation of why the additional Network Upgrades are necessary. Any Interconnection Facility and/or Network Upgrade costs required for safety and reliability also will be borne by the Interconnection Customer. Interconnection Customers may be subject to additional control technologies as well as testing and validation of those technologies consistent with Article 6 of the LGIA. The necessary control technologies and protection systems shall be established in Appendix C of the executed~~, or requested to be filed unexecuted,~~ LGIA. The provisions related to requests and studies for an Interconnection Service Level below the Generating Facility Capacity are set forth in Sections 3.1, 6.3, 7.3, and 8.2 of this LGIP, and in Section 5.j of Appendix 1 to this LGIP.[91]

49. WAPA states that the revision to the first sentence is the same as that filed by Public Service Company of Colorado (PSCo) and accepted by the Commission.[92] WAPA states that it removed the language regarding filing an unexecuted LGIA because WAPA is not subject to the Commission's filing requirements under FPA section 205.[93]

50. WAPA adopts the following text from the Commission's *pro forma* LGIP sections 4.4.1 and 4.4.2, which reflects two modifications: "through either (1) a decrease in ~~plant size~~ Generating Facility Capacity (MW) or (2) a decrease in Interconnection Service ~~l~~Level (consistent with the process described in Section 3.1) accomplished by applying

---

[91] WAPA, OATT, attach. L (Standard LGIP), § 3.1 (General) (2.0.0).

[92] WAPA Transmittal at 16 (citing PSCo, Compliance Filing, Docket No. ER19-1864-000, at Attachment N, LGIP § 3.1 (May 15, 2019); *Pub. Serv. Co. of Colo.*, 169 FERC ¶ 61,224, at PP 36-37 (2019)).

[93] WAPA Transmittal at 16.

Transmission Provider-approved injection-limiting equipment."[94] WAPA includes two additional modifications to LGIP section 4.4.2. First, WAPA replaces "15 percent decrease" with "decrease of up to 15 percent." Second, WAPA moves the *pro forma* phrase "the incremental costs associated with those modifications are the responsibility of the requesting Interconnection Customer" from existing LGIP section 4.4.2(b) to a separate sentence after new section 4.4.2(c). WAPA explains that moving the phrase avoids the implication that the interconnection customer is responsible only for incremental costs associated with section 4.4.2(b).[95] WAPA states that these modifications are the same as those filed by APS and accepted by the Commission.[96]

b. Commission Determination

51. We find that WAPA's proposed LGIP revisions that allow an interconnection customer to request interconnection service below its full generating facility capacity substantially conform with or are superior to the Commission's *pro forma* OATT. WAPA adopts most of the *pro forma* LGIP language with a few modifications. We find that WAPA's proposed revisions, as modified, substantially conform with or are superior to the *pro forma* language because they add clarity to WAPA's OATT. Further, we find WAPA's omission of the requirement to file an unexecuted LGIA to be appropriate because WAPA is not subject to the Commission's filing requirements under FPA section 205.[97]

8. Provisional Interconnection Service

52. In Order No. 845, the Commission required transmission providers to allow all interconnection customers to request provisional interconnection service.[98] The Commission explained that interconnection customers may seek provisional interconnection service when available studies or additional studies, as necessary, indicate that there is a level of interconnection service that can occur to accommodate an interconnection request without the construction of any additional interconnection facilities and/or network upgrades, and the interconnection customer wishes to make use of that level of interconnection service while the facilities required for its full

---

[94] WAPA, OATT, attach. L (Standard LGIP), § 4.4 (Modifications) (2.0.0).

[95] WAPA Transmittal at 7.

[96] *Id.* (citing APS, Compliance Filing, Docket No. ER19-1939-000, at 10-13 (filed May 22, 2019); *Ariz. Pub. Serv. Co.*, 170 FERC ¶ 61,111 at PP 43-44, 48).

[97] *W. Area Power Admin.*, 112 FERC ¶ 61,044 (2005).

[98] *Id.* P 438.

interconnection request are completed.[99] To implement this service, the Commission revised the *pro forma* LGIP and *pro forma* LGIA to add a definition for "Provisional Interconnection Service"[100] and for a "Provisional Large Generator Interconnection Agreement."[101]

53. In addition, the Commission added *pro forma* LGIA article 5.9.2, which details the terms for provisional interconnection service.[102] The Commission also explained that transmission providers have the discretion to determine the frequency for updating provisional interconnection studies to account for changes to the transmission system to reassess system capacity available for provisional interconnection service, and included bracketed tariff language to be completed by the transmission provider, to specify the frequency at which they perform such studies in their *pro forma* LGIA.[103] The Commission stated that interconnection customers are responsible for the costs for performing these provisional interconnection studies.[104]

a. <u>WAPA Filing</u>

54. WAPA proposes revisions to adopt the Commission's *pro forma* definitions related to provisional interconnection service without modification. However, WAPA adds the *pro forma* language in LGIA article 5.9.2 with several modifications.[105] First, the *pro forma* LGIA provides that provisional interconnection service may be requested if any transmission provider's interconnection facilities or network upgrades are not reasonably expected to be completed prior to the commercial operation date of the large generating facility. WAPA modifies the *pro forma* language in several places within LGIA article 5.9 to add that that provisional interconnection service may also be requested if the Contingent Facilities are not reasonably expected to be completed prior

---

[99] *Id.* P 441.

[100] *Pro forma* LGIP § 1 (Definitions); *pro forma* LGIA art. 1 (Definitions).

[101] *Pro forma* LGIP § 1 (Definitions); *pro forma* LGIA art. 1 (Definitions). The Commission declined, however, to adopt a separate *pro forma* provisional large generator interconnection agreement. Order No. 845, 163 FERC ¶ 61,043 at P 444.

[102] Order No. 845, 163 FERC ¶ 61,043 at P 438; *see also pro forma* LGIP § 5.9.2.

[103] Order No. 845, 163 FERC ¶ 61,043 at P 448.

[104] *Id.*

[105] WAPA, OATT, attach. L (Standard LGIP), app. 6 (Standard LGIA), art 5.9 (Other Interconnection Options) (2.0.0).

to the commercial operation date of the large generating facility. WAPA states that the proposed set of revisions is the same as those filed by Tri-State and accepted by the Commission.[106] Second, WAPA omits language allowing the interconnection customer to request the filing of an unexecuted Provisional LGIA. WAPA states that this proposed omission is required because WAPA is not subject to the Commission's filing requirements under FPA section 205.[107]

55. WAPA proposes to fill in the bracketed section of article 5.9.2 to state that it will study and update the maximum permissible output of the generating facility subject to a provisional LGIA on an annual basis "unless there have been no changes on Transmission Provider's Transmission System since the Interconnection Customer's last completed study." WAPA states that the proposed revision is the same as that filed by Black Hills Power, Inc. (Black Hills Power) and accepted by the Commission.[108]

b. Commission Determination

56. We find that WAPA's proposed *pro forma* LGIP and *pro forma* LGIA revisions regarding provisional interconnection service substantially conform with or are superior to the Commission's *pro forma* OATT because WAPA proposes to adopt the Commission's *pro forma* LGIP and *pro forma* LGIA provisions with limited modifications that add clarity for interconnection customers and recognize that WAPA is not subject to the Commission's filing requirements under FPA section 205. We also note that WAPA has filled in the bracketed section in *pro forma* LGIA article 5.9.2 to state that it will study and update the maximum permissible output of the generating facility subject to a provisional LGIA on an annual basis.

9. Surplus Interconnection Service

57. In Order No. 845, the Commission adopted *pro forma* LGIP sections 1, 3.3, and 3.3.1 and *pro forma* LGIA article 1 to establish surplus interconnection service, which the Commission defined as any unneeded portion of interconnection service established in an LGIA such that if the surplus interconnection service is utilized the total amount of

---

[106] WAPA Transmittal at 9-10.

[107] *Id.* at 10.

[108] *Id.* (citing Black Hills Power, Compliance Filing, Docket No. ER19-1926-000 (filed May 22, 2019, amended Apr. 9, 2020); *Black Hills Power, Inc.*, 169 FERC ¶ 61,144, at P 41 (2019); *Black Hills Power, Inc.*, Docket No. ER19-1926-002 (June 5, 2020) (delegated order)).

interconnection service at the point of interconnection would remain the same.[109] Surplus interconnection service enables a new interconnection customer to utilize the unused portion of an existing interconnection customer's interconnection service within specific parameters.[110] The Commission required transmission providers to revise their tariffs to include the new definition of surplus interconnection service in their *pro forma* LGIP and *pro forma* LGIA, and provide in the *pro forma* LGIP an expedited interconnection process outside of the interconnection queue for surplus interconnection service.[111] That expedited process must allow affiliates of the existing interconnection customer to use surplus interconnection service for another interconnecting generating facility and allow for the transfer of surplus interconnection service that the existing interconnection customer or one of its affiliates does not intend to use.[112] The transmission provider must perform reactive power, short circuit/fault duty, and stability analyses studies as well as steady-state (thermal/voltage) analyses as necessary to ensure evaluation of all required reliability conditions to provide surplus interconnection service and ensure the reliable use of surplus interconnection service.[113] The original interconnection customer must be able to stipulate the amount of surplus interconnection service that is available, designate when that service is available, and describe any other conditions under which surplus interconnection service at the point of interconnection may be used.[114] When the original interconnection customer, the surplus interconnection service customer, and the transmission provider enter into agreements for surplus interconnection service, they must be filed by the transmission provider with the Commission, because any surplus interconnection service agreement will be an agreement under the transmission provider's open access transmission tariff.[115]

---

[109] Order No. 845, 163 FERC ¶ 61,043 at P 467; *see also pro forma* LGIP § 1; *pro forma* LGIA art. 1 (Definitions).

[110] Order No. 845, 163 FERC ¶ 61,043 at P 467; Order No. 845-A, 166 FERC ¶ 61,137 at P 119.

[111] Order No. 845, 163 FERC ¶ 61,043 at P 467; *see also pro forma* LGIP §§ 3.3, 3.3.1.

[112] Order No. 845, 163 FERC ¶ 61,043 at P 483; *see also pro forma* LGIP § 3.3.

[113] Order No. 845, 163 FERC ¶ 61,043 at PP 455, 467.

[114] *Id.* P 481.

[115] *Id.* P 499.

a. <u>WAPA Filing</u>

58. WAPA proposes revisions to sections 1, 3.3, and 3.3.1 to its LGIP, and article 1 to its *pro forma* LGIA, to implement the requirements of Order Nos. 845 and 845-A. WAPA adds to LGIP section 1 and LGIA article 1 the *pro forma* definition of Surplus Interconnection Service without any modifications. WAPA also adds to LGIP section 1 the non-*pro forma* term Surplus Interconnection Service Agreement:

> Surplus Interconnection Service Agreement shall mean the agreement for Surplus Interconnection Service established among the Transmission Provider, the Surplus Interconnection Service Customer, and the existing Interconnection Customer at the Point of Interconnection if that entity or its affiliate is not the Surplus Interconnection Service Customer. The Surplus Interconnection Service Agreement shall take the form of the Large Generator Interconnection Agreement, modified for Surplus Interconnection Service purposes.[116]

59. WAPA proposes modifications to the *pro forma* language in LGIP sections 3.3 and 3.3.1. Specifically, in LGIP section 3.3, WAPA proposes to change "Transmission Provider must provide a process that allows an Interconnection Customer . . ." to "Transmission Provider's process in this Section 3.3 allows an Interconnection Customer . . . ."[117] WAPA explains that this minor revision reflects the incorporation of the new service into the LGIP and is similar to NorthWestern Corporation's (NorthWestern) proposed revision that was accepted by the Commission.[118] In LGIP section 3.3.1, WAPA modifies "request for Surplus Interconnection Service" to its defined term "Surplus Interconnection Service Request."

---

[116] WAPA, OATT, attach. L (Standard LGIP), § 1 (Definitions) (2.0.0).

[117] WAPA, OATT, attach. L (Standard LGIP), § 3.3 (Utilization of Surplus Interconnection Service) (0.0.0).

[118] WAPA Transmittal at 12 (citing NorthWestern, Compliance Filing, Docket No. ER19-1943-001, at attach. 3, LGIP § 3.3 (filed July 11, 2019); *NorthWestern Corp.*, 170 FERC ¶ 61,040, at P 54 (2020)).

60. WAPA states that its expedited surplus interconnection service process consists mainly of provisions accepted for Tucson Electric Power Company (Tucson Electric)[119] and El Paso Electric.[120] WAPA also includes several provisions directly from the text of Order Nos. 845 and 845-A. WAPA appends language to LGIP section 3.3.3.2 requiring the interconnection customer to provide an additional $25,000 deposit with the delivery of the Surplus Interconnection Service System Impact Study Agreement. WAPA explains that it requires advance payment to perform the study and other such work consistent with the Federal Contributed Funds Act, 43 U.S.C. § 395.[121]

61. WAPA incorporates environmental review provisions in LGIP sections 3.3.3.4 and 3.3.5.3 and replaces the first sentence of LGIP section 3.3.5.3 with environmental review provisions. WAPA states that the provisions in LGIP sections 3.3.3.4 and 3.3.5.3 are largely the same as the Commission-approved provisions previously incorporated by WAPA in renumbered LGIP section 3.4.5 (formerly 3.3.5) and section 11.2, respectively.[122] WAPA states that it also omits language from the second paragraph of section 3.3.5.3 that has the transmission provider file an unexecuted Surplus Interconnection Service Agreement with the Commission because WAPA is not subject to the Commission's filing requirements under FPA section 205.[123]

62. WAPA proposes the following text for LGIP section 3.3.5.2:

> Transmission Provider, the Existing Customer (if the Existing Customer or its affiliate is not the Surplus Interconnection Service Customer), and the Surplus Interconnection Service Customer shall coordinate as necessary to establish the necessary conditions of Surplus Interconnection Service, such

---

[119] *Id.* at 13 (citing Tucson Electric, Compliance Filing, Docket No. ER19-1934-002, at attach. I-3, LGIP §§ 3.3.1 – 3.3.6 (filed July 12, 2019); *Tucson Elec. Power Co.*, 170 FERC ¶ 61,043, at PP 46-49 (2020)).

[120] *Id.* at 14 (citing El Paso Electric, Compliance Filing, Docket No. ER19-1953-000, at attach. M, LGIP §§ 3.3.2.F and G (filed May 22, 2019); *El Paso Elec. Co.*, 170 FERC ¶ 61,115 at PP 55-56).

[121] *Id.* at 13.

[122] WAPA explains that, as a federal power marketing agency, before beginning construction of any facilities, WAPA must first conduct a mandatory environmental analysis in accordance with the National Environmental Policy Act. *Id.* at 14 n.24 (citing 42 U.S.C. § 4321).

[123] *Id.* at 14.

> as the term of operation, the limitation on total combined Generating Facility Capacity at the Point of Interconnection, if applicable, and the mode of operation for energy production (i.e., common or singular operation), and to establish the roles and responsibilities of the Parties for maintaining the operation of the Interconnection Facilities.

63. In LGIP section 3.3.5.2, WAPA replaces the "interconnection service limit" condition with "the limitation on total combined Generating Facility Capacity at the Point of Interconnection, if applicable," which WAPA states is intended to avoid confusion with the proposed term Interconnection Service Level[124] and is based on the limitation mandated in Order No. 845.[125] Moreover, WAPA adds to section 3.3.5.2 language from Order No. 845 clarifying the "mode of operation for energy production" condition.[126]

64. WAPA also proposes the following text for LGIP section 3.3.6.6:

> If the use of Surplus Interconnection Service increases the total Generating Facility Capacity at a Point of Interconnection, the total combined Generating Facility Capacity at that Point of Interconnection for both the Existing Customer and the Surplus Interconnection Service Customer is limited to and shall not exceed the maximum Interconnection Service Level allowed under the Existing Customer's LGIA.

b. <u>Commission Determination</u>

65. We find that WAPA's proposed OATT revisions regarding surplus interconnection service, in part, substantially conform with or are superior to the Commission's *pro forma* OATT. WAPA adopts the *pro forma* definition of surplus interconnection service and *pro forma* provisions in LGIP sections 3.3 and 3.3.1 with minor modifications that provide additional clarity to interconnection customers. We also find that, for the most part, WAPA's proposed process for evaluating surplus interconnection service substantially conforms with or is superior to the Commission's *pro forma* OATT. The process provides that WAPA will evaluate surplus interconnection service requests outside of its non-surplus interconnection queue.

---

[124] *Id.* at 18.

[125] *Id.* at 14 (citing Order No. 845, 163 FERC ¶ 61,043 at PP 472, 475, 481).

[126] *Id.* (citing Order No. 845, 163 FERC ¶ 61,043 at P 499).

66. However, we find that WAPA's proposed provisions in LGIP sections 3.3.5.2 and 3.3.6.6 do not substantially conform with or are not superior to the Commission's *pro forma* OATT. In LGIP section 3.3.6.6, WAPA proposes to require that "the total combined Generating Facility Capacity at that Point of Interconnection for both the Existing Customer and the Surplus Interconnection Service Customer is limited to and shall not exceed the maximum Interconnection Service Level allowed under the Existing Customer's LGIA." WAPA proposes a similar revision in LGIP section 3.3.5.2. We find that WAPA's proposal to limit the *total combined Generating Facility Capacity* to the amount of interconnection service provided in the original interconnection customer's LGIA imposes a limit that is inconsistent with Order No. 845. Order No. 845 limits the surplus interconnection service and total combined generating *output* at the point of interconnection for both the original and surplus interconnection customer to the amount of interconnection service in the original interconnection customer's LGIA.[127] WAPA's proposal, on the other hand, would limit the *capacity* at the point of interconnection to the amount of interconnection service in the original interconnection customer's LGIA. WAPA's proposal to limit the total capacity is more restrictive than Order No. 845, such that it could reduce opportunities for surplus interconnection service. Accordingly, in order to substantially conform with or be superior to the *pro forma* OATT, the proposed revisions to sections 3.3.5.2 and 3.3.6.6 must be modified to limit total combined output instead of total combined generating facility capacity.

10. Material Modifications and Incorporation of Advanced Technologies

67. In Order No. 845, the Commission modified section 4.4.2(c) of the *pro forma* LGIP to allow an interconnection customer to incorporate certain technological advancements to its interconnection request, prior to the execution of the interconnection facilities study agreement,[128] without risking the loss of its queue position. The

---

[127] Order No. 845 provides that the "Final Rule makes it possible for a surplus interconnection service customer to increase the total generating facility capacity at a point of interconnection, provided that the total combined generating output at the point of interconnection for both the original and surplus interconnection customer is limited to and shall not exceed the maximum level allowed under the original interconnection customer's LGIA." Order No. 845, 163 FERC ¶ 61,043 at P 475.

[128] While the Commission clarified that interconnection customers may submit a technological advancement request up until execution of the facilities study agreement, the Commission stated that it will permit transmission providers to propose rules limiting the submission of technological advancement requests to a single point in the study process (prior to the execution of a facilities study agreement), to the extent the

Commission required transmission providers to develop and include in their LGIPs a definition of permissible technological advancements that will create a category of technological changes that, by definition, do not constitute a material modification and, therefore, will not result in the loss of queue position.[129] In addition, the Commission modified section 4.4.6 of the *pro forma* LGIP to require transmission providers to insert a technological change procedure that includes the requisite information and process that the transmission provider will follow to assess whether an interconnection customer's proposed technological advancement is a material modification.[130]

68. The Commission required that the technological change procedure specify what technological advancements can be incorporated at various stages of the interconnection process and clearly identify which requirements apply to the interconnection customer and which apply to the transmission provider.[131] Additionally, the technological change procedure must state that, if the interconnection customer seeks to incorporate technological advancements into its proposed generating facility, it should submit a technological advancement request, and the procedure must specify the information that the interconnection customer must submit as part of that request.[132]

69. The Commission also required that the technological change procedure specify the conditions under which a study will or will not be necessary to determine whether a proposed technological advancement is a material modification.[133] The Commission explained that the technological change procedure must also state that, if a study is necessary to evaluate whether a particular technological advancement is a material modification, the transmission provider shall clearly indicate to the interconnection customer the types of information and/or study inputs that the interconnection customer must provide to the transmission provider, including, for example, study scenarios, modeling data, and any other assumptions.[134] In addition, the Commission required that the technological change procedure explain how the transmission provider will evaluate

---

transmission provider believes it appropriate. Order No. 845, 163 FERC ¶ 61,043 at P 536.

[129] *Id.* P 518.

[130] *Id.*; *see also pro forma* LGIP § 4.4.6.

[131] Order No. 845, 163 FERC ¶ 61,043 at P 519.

[132] *Id*.

[133] *Id.*; Order No. 845-A, 166 FERC ¶ 61,137 at P 155.

[134] Order No. 845, 163 FERC ¶ 61,043 at P 521.

the technological advancement request to determine whether it is a material modification.[135]

70. Further, the Commission required that the technological change procedure outline a time frame of no more than thirty days after the interconnection customer submits a formal technological advancement request for the transmission provider to perform and complete any necessary additional studies.[136] The Commission also found that, if the transmission provider determines that additional studies are needed to evaluate whether a technological advancement is a material modification, the interconnection customer must tender a deposit, and the transmission provider must specify the amount of the deposit in the transmission provider's technological change procedure.[137] In addition, the Commission explained that, if the transmission provider cannot accommodate a proposed technological advancement without triggering the material modification provision of the *pro forma* LGIP, the transmission provider must provide an explanation to the interconnection customer regarding why the technological advancement is a material modification.

71. In Order No. 845-A, the Commission clarified that: (1) when studies are necessary, the interconnection customer's technological change request must demonstrate that the proposed incorporation of the technological change will result in electrical performance that is equal to or better than the electrical performance expected prior to the technological change and will not cause any reliability concerns; (2) if the interconnection customer cannot demonstrate in its technological change request that the proposed technological change would result in equal or better electrical performance, the change will be assessed pursuant to the existing material modification provisions in the *pro forma* LGIP; (3) information regarding electrical performance submitted by the interconnection customer is an input into the technological change study, and this factor alone is not determinative of whether a proposed technological change is a material modification; and (4) the determination of whether a proposed technological change (that the transmission provider does not otherwise include in its definition of permissible technological advancements) is a material modification should include an analysis of

---

[135] *Id.*

[136] *Id.* P 535.

[137] *Id.* P 534. The Commission set the default deposit amount at $10,000 but stated that a transmission provider may propose a reasonable alternative deposit amount in its compliance filing and include justification supporting this alternative amount. *Id.*

whether the proposed technological change materially impacts the timing and costs of lower-queued interconnection customers.[138]

a. WAPA Filing

72. WAPA proposes revisions to section 1 of its LGIP to incorporate the following definition of permissible technological advancement:

> Permissible Technological Advancement shall mean modification to equipment that: (1) results in electrical performance that is equal to or better than the electrical performance expected prior to the technology change; (2) does not cause any reliability concerns; (3) does not degrade the electrical characteristics of the generating equipment, e.g., the ratings, impedances, efficiencies, capabilities, and performance of the equipment under steady-state and dynamic conditions; and (4) does not have a material impact on the cost or timing of any Interconnection Request with a later queue priority date, and is therefore not a Material Modification. A Permissible Technological Advancement is a change in equipment that may achieve cost or grid performance efficiencies, and it may include turbines, inverters, plant supervisory controls or other devices that could affect a Generating Facility's ability to provide Ancillary Services but does not include changes in generation technology type or fuel type, e.g., wind to solar or natural gas to wind.[139]

73. WAPA states that the proposed definition of Permissible Technological Advancement is similar to that filed by PSCo and accepted by the Commission with some modification.[140] In addition to grammatical edits, WAPA adds "wind to solar or natural

---

[138] Order No. 845-A, 166 FERC ¶ 61,137 at P 155.

[139] WAPA, OATT, attach. L (Standard LGIP), § 1 (Definitions) (2.0.0).

[140] WAPA Transmittal at 6 (citing PSCo, Compliance Filing, Docket No. ER19-1864-000 (filed May 15, 2019, amended June 3, 2019); *Pub. Serv. Co. of Colo.*, 169 FERC ¶ 61,224 at PP 53, 56).

gas to wind" as examples of changes in generation technology type or fuel type that are not Permissible Technological Advancements.[141]

74. WAPA's revisions in section 4.4.6 of the LGIP provide that the process for evaluating permissible technological advancements begins when the interconnection customer submits a Permissible Technological Advancement request prior to the return of a signed interconnection facilities study agreement. If WAPA determines that the proposed technological change is a Permissible Technological Advancement, then the proposed technological change shall be incorporated into the interconnection customer's interconnection request. WAPA's proposed tariff revisions indicate that the interconnection customer will provide a study deposit of $10,000 if the information provided by the interconnection customer is not sufficient to determine if the proposed changes meet the definition of Permissible Technological Advancement, and a study is necessary for the determination. WAPA proposes that the study will be completed within 30 days of receiving the request.

75. If WAPA requires further studies to make a determination, WAPA will complete studies that may include steady-state, reactive power, short circuit/fault duty, stability analyses, and any other appropriate studies that it deems necessary to determine whether the proposed technological change results in electrical performance that is equal to or better than the electrical performance expected prior to the technology change, and whether such proposed technological change causes any reliability concerns. If the proposed technological change fails to meet the definition of a permissible technological advancement, then the request is deemed to be a material modification. In such cases, the study report shall provide an explanation regarding why the proposed technological change is a material modification. The interconnection customer can choose to withdraw the proposed technological change or proceed with a new interconnection request for such modification.

76. WAPA's tariff revision states that, at the conclusion of the study or studies, the transmission provider will either refund any of the refundable portion of the interconnection customer's deposit that exceeds the actual costs or invoice the interconnection customer for any shortage of actual costs that exceed the interconnection customer's deposit.[142] WAPA explains that it omitted language from LGIP section 4.4.6.4 that would have required WAPA to pay interest on any refundable portion of the

---

[141] *Id.*

[142] WAPA, OATT, attach. L (Standard LGIP), § 4.4.6 (Technological Change Procedure) (2.0.0).

interconnection customer's deposit that exceeds the actual costs WAPA incurs because WAPA does not pay interest on study deposit refunds.[143]

b. Commission Determination

77. We find that WAPA's proposed LGIP revisions to incorporate a definition of a permissible technological advancement and technological change procedure substantially conform with or are superior to the Commission's *pro forma* OATT. Specifically, we find that WAPA's proposed definition of a permissible technological advancement meets the Commission's requirement to provide a category of technological change that does not constitute a material modification. Additionally, WAPA's technological change procedure includes the requisite information and process that the transmission provider will follow to assess whether an interconnection customer's proposed technological advancement is a material modification, and therefore, meets the requirements of Order Nos. 845 and 845-A. Further, we find appropriate WAPA's proposal not to pay interest on any refundable portion of the interconnection customer's deposit that exceeds actual costs because WAPA, as a federal power marketing administration, does not pay interest on study deposit refunds.

11. Other Issues Raised by WAPA

a. LGIP Appendix 1

78. WAPA adds line items to section 2 of LGIP Appendix 1 to indicate whether an interconnection request is related to a Permissible Technological Advancement, Provisional Interconnection Service, or Surplus Interconnection Service; the existing Generating Facility location and related Point of Interconnection; and for Surplus Interconnection Service, proof that the existing LGIA customer and Surplus Interconnection customer have entered into a surplus arrangement and the system impact study performed for the existing generating facility.

79. WAPA also modifies section 5 of LGIP Appendix 1 to indicate that the interconnection customer or the applicant for Surplus Interconnection Service is to provide information, such as commercial operation date and interconnection customer data, for a proposed new Generating Facility, an increase to Generating Facility Capacity

---

[143] WAPA Transmittal at 9 (citing WAPA, OATT Filing, Docket No. NJ05-1-000, at 13 (Jan. 26, 2005) ("The payment of interest language has been deleted from [LGIP Sections 3.6 and 5.2] inasmuch as [WAPA] does not pay interest under the OATT on non-capital expenditures made by other parties. [WAPA] notes that these revisions are similar to certain modifications [WAPA] proposed in its original OATT filing and which the Commission subsequently accepted." (citing *Mo. Basin Mun. Power Agency*, 99 FERC ¶ 61,062 (2002))); *W. Area Power Admin.*, 112 FERC ¶ 61,044.

or a material modification of an existing Generating Facility, for Provisional Interconnection Service related to an existing interconnection request or interconnection agreement, or for a Generating Facility that plans to utilize Surplus Interconnection Service. WAPA states that its proposed additions of Provisional Interconnection Service- and Surplus Interconnection Service-related line items in section 2 of the LGIP Appendix 1 and its proposed revisions to section 5 of LGIP Appendix 1 are the same as those filed by Tucson Electric and accepted by the Commission.[144]

b. Commission Determination

80. We find that WAPA's proposed revisions substantially conform with or are superior to the *pro forma* language because they add clarity to WAPA's OATT.

The Commission orders:

(A) WAPA's petition for a declaratory order is hereby granted in part, effective December 15, 2021, 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)

Debbie-Anne A. Reese,
Deputy Secretary.

[144] *Id.* at 19 (citing Tucson Electric, Compliance Filing, Docket No. ER19-1934-000 (filed May 22, 2019, amended July 12, 2019); *Tucson Elec. Power Co.*, 170 FERC ¶ 61,043 at PP 42, 44, 48-49).