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June 28, 2016

VIA ELECTRONIC FILING

The Honorable Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Midcontinent Independent System Operator, Inc.
FERC Docket No. ER16-____-000
Filing of Facilities Construction Agreement
PUBLIC VERSION

Dear Secretary Bose:

Pursuant to Section 205 of the Federal Power Act (“FPA”), 16 U.S.C. § 824d, and Section 35.12 of the Federal Energy Regulatory Commission’s (“FERC” or “Commission”) regulations, 18 C.F.R. § 35.12 (2016), the Midcontinent Independent System Operator, Inc. (“MISO”) hereby respectfully submits a Facilities Construction Agreement (“FCA”) among **Prairie Wind Energy, LLC**, a company organized and existing under the laws of the State of Iowa, (“Interconnection Customer” with a Generating Facility), **MidAmerican Energy Company**, a company organized and existing under the laws of the State of Iowa (“Transmission Owner” or “Transmission Operator”) and **MISO** (“Transmission Provider”). MISO has designated the FCA as Original Service Agreement No. 2924 under MISO’s FERC Electric Tariff, Vol. No. 1 Fifth Revised (“Tariff”). MISO has designated this project as Project No. J344 in its interconnection queue. A non-public version of the FCA containing pages designated as privileged and Critical Energy Infrastructure Information (“CEII”) is being provided under separate cover as explained below.

I. OVERVIEW OF FILING

The body of the attached FCA conforms to the *pro forma* Facilities Construction Agreement (“*pro forma* FCA”) and contains pending language filed with the Commission in Docket No. ER16-696-000 on January 8, 2016. Accordingly, MISO asks that the Commission accept the FCA subject to the outcome in Docket No. ER16-696 *et al.*

II. DOCUMENTS SUBMITTED IN THIS FILING

The documents being submitted with this filing include this transmittal letter and a public and non-public version of the FCA in accordance with the parties' designation of the diagram contained in this filing as CEII under the Commission's rules, 18 C.F.R. §§ 388.112 & 388.113 (2016). Pursuant to the Commission's Notice Announcing New Combined Notice of Filings, issued on May 13, 2005, and the Commission's subsequent listing on its website, no form of notice is required under 18 C.F.R. § 35.8 (2016).¹ The Parties have designated a diagram of their interconnection in Exhibit A1 as CEII. The Parties have also designated specific cost information in Exhibit A6 as privileged trade secret.

MISO hereby requests confidential treatment of the CEII contained in Exhibit A1 of the non-public version of the FCA enclosed pursuant to 18 C.F.R. § 388.12, and privileged and confidential treatment of specific information constituting a trade secret found in Exhibit A6 of the non-public version of the FCA enclosed. The CEII has been marked according to the Commission's instructions.

The Parties assert that Exhibit A1 qualifies as CEII pursuant to 18 C.F.R. § 388.113(c)(1) for the following reasons: the diagram attached to the FCA is a system map that provides specific detailed design information about existing critical transmission system infrastructure. The Exhibit is exempt from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"). Members of the public can obtain access to the Exhibit by complying with the Commission's procedures per 18 C.F.R. § 388.113.

The Parties wish to classify information found in Exhibit A6 ("Cost Information"), as Privileged under exemption No. 4 of the FOIA as "trade secrets and commercial or financial information obtained for a person and privileged or confidential."² This exemption from disclosure is explicitly incorporated in the Commission's rules at 18 C.F.R. § 388.107(d). The Parties assert that the redacted portions of the FCA designated as "Privileged" qualify as privileged information for the following reasons: the Cost Information is held in confidence by the Transmission Owner and is directly related to very specific construction costs and other costs of operation, which if disclosed could cause substantial harm to the competitive position of the Transmission Owner and Interconnection Customer in the transmission development marketplace, and the potential substantial harm that could result from the public disclosure of the Cost Information outweighs any limited public interest of disclosing it, whether the disclosure be to the public or through the adoption of a protective agreement in this proceeding. The pages are exempt from mandatory disclosure under FOIA, 5 U.S.C. § 552. The Commission has recognized the confidentiality of such information in previous MISO filings in Docket Nos. ER10-1098-000³ and ER10-839-000⁴.

¹ See Documents and Filings, Notice Formats, available at <http://www.ferc.gov/docs-filing/not-form.asp>.

² 5 U.S.C. § 552(b)(4).

³ *Midwest Indep. Transmission Sys. Operator*, Docket No. ER10-1098-000 (June 24, 2010) (Letter Order).

⁴ *Midwest Indep. Transmission Sys. Operator*, Docket No. ER10-839-000 (April 12, 2010) (Letter Order).

Accordingly, MISO requests confidential treatment of the non-public version of this filing for Exhibit A1 as CEII pursuant to 18 C.F.R. § 388.12, and for Cost Information as privileged trade secret information that is exempt from mandatory disclosure pursuant to the FOIA, 5 U.S.C. § 552, and recognized as privileged pursuant to 18 C.F.R. § 38810(d). MISO submits a non-public version of this agreement under separate cover.

The documents being submitted with this filing include this transmittal letter;

Tab A: Clean copy of the FCA;

Tab B: Redlined copy of the FCA reflecting changes as compared to the *Pro Forma*⁵; and

Tab C: CEII Protective Agreement.

III. PROPOSED EFFECTIVE DATE

MISO respectfully requests that the Commission waive its sixty (60) day notice requirement as required by Section 35.3(a) of the Commission's regulations, 18 C.F.R. § 35.3(a), and make this FCA effective as of June 29, 2016.⁶ The Parties have indicated their intention for and support of an effective date of June 29, 2016. MISO requests that the June 29, 2016 date be used to provide certainty to the Parties as to the status of the agreement. To the extent that the Commission determines that any requirements of 18 C.F.R. § 35 apply that have not been specifically addressed herein, the MISO respectfully requests waiver of such requirements.

IV. COMMUNICATIONS

Correspondence, pleadings and other materials regarding this filing should be addressed to the following persons:

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⁵ MISO has highlighted for the Commission the language that is currently pending before the Commission in Docket No. ER16-696-000.

⁶ The Commission's policy permits waivers of the 60-day prior notice of filing requirement in the case of a non-rate change to the terms and conditions of a Commission-accepted Rate Schedule. See *Central Hudson Gas & Electric Corp.*, 60 FERC ¶ 61,106, *reh'g denied*, 61 FERC ¶ 61,189 (1992).

V. NOTICE AND SERVICE

MISO notes that it has served a copy of this filing electronically, including attachments, upon all Tariff Customers under the Tariff, MISO Members, Member representatives of Transmission Owners and Non-Transmission Owners, MISO Advisory Committee participants, as well as all state commissions within the Region. The filing has been posted electronically on MISO's website at <https://www.misoenergy.org/Library/FERCFilingsOrders/Pages/FERCFilings.aspx> for other interested parties in this matter. In addition, MISO has served a copy of this filing electronically on all parties to this agreement.

VI. CONCLUSION

For all of the foregoing reasons, MISO respectfully requests that the Commission accept for filing this FCA and grant the proposed effective date of June 29, 2016, and grant waiver of any Commission regulations not addressed herein that the Commission may deem applicable to this filing.

Respectfully submitted,

/s/ J. Matt Harnish

J. Matt Harnish
Attorney for the Midcontinent Independent
System Operator, Inc.

Attachment