

December 20, 2016

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

RE: *Southwest Power Pool, Inc.*, Docket No. ER17-\_\_\_\_\_  
Submission of Affected Systems' Facilities Construction Agreement

Dear Secretary Bose:

Pursuant to section 205 of the Federal Power Act, 16 U.S.C. § 824d, and section 35.13 of the Federal Energy Regulatory Commission's ("Commission") regulations, 18 C.F.R. § 35.13, Southwest Power Pool, Inc. ("SPP") submits an executed Affected Systems' Facilities Construction Agreement ("FCA") among SPP as Transmission Provider, Osage Wind, LLC ("Osage Wind") as Interconnection Customer, and Public Service Company of Oklahoma ("PSO") as Transmission Owner ("Third Revised Osage Wind FCA").<sup>1</sup> The Third Revised Osage Wind FCA modifies and supersedes the FCA among the Parties that the Commission accepted on January 9, 2013, in Docket No. ER13-382-000.<sup>2</sup> SPP requests an effective date of November 29, 2016, for the Third Revised Osage Wind FCA.

## **I. Description of SPP**

SPP is a Commission-approved Regional Transmission Organization ("RTO"). SPP is an Arkansas non-profit corporation with its principal place of business in Little Rock, Arkansas. SPP currently has 94 members including 16 investor-owned utilities, 14 municipal systems, 20 generation and transmission cooperatives, 8 state agencies, 13 independent power producers, 12 power marketers, 10 independent transmission companies, and 1 federal agency. As an RTO, SPP is a transmission provider administering transmission service over portions of Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wyoming. SPP is responsible for providing independent transmission

---

<sup>1</sup> SPP includes a copy of the Third Revised Osage Wind FCA, which is designated as Third Revised Service Agreement No. 2234, with this filing. In addition, SPP, Osage Wind, and PSO are collectively "the Parties."

<sup>2</sup> See *Sw. Power Pool, Inc.*, Letter Order, Docket No. ER13-382-000 (January 9, 2013) ("January Letter Order"). The FCA accepted in the January Letter Order is referred to as the "Second Revised Osage Wind FCA."

services over the transmission facilities its members have placed under the SPP Open Access Transmission Tariff (“Tariff”).<sup>3</sup>

## **II. Background**

In order to memorialize the Parties’ responsibilities with regard to the construction of a needed upgrade on the PSO transmission system, SPP, Osage Wind and PSO entered into an FCA. Currently, SPP does not have a *pro forma* FCA in its Tariff. The Parties used SPP’s *pro forma* GIA<sup>4</sup> and other Commission-accepted FCAs as guidance in developing the original FCA among the Parties which was accepted by the Commission on October 13, 2011, in Docket No. ER11-4390-000.<sup>5</sup> The Parties agreed to revise the Original Osage Wind FCA, and the revision was accepted by the Commission on July 10, 2012, in Docket No. ER12-1802-000.<sup>6</sup> The Parties then agreed to revise the First Revised Osage Wind FCA, and the Second Revised Osage Wind FCA was accepted by the Commission in the January Letter Order.

## **III. Description of the Third Revised Osage Wind FCA**

Since the January Letter Order, the Parties agreed to revise the Second Revised Osage Wind FCA to state the credits to which the Interconnection Customer are entitled in accordance with Attachment Z2 of the Tariff may be assigned by the Interconnection Customer to any entity, and to reflect the completion of the Interconnection Customer Facilities. The Parties also updated other articles of the Second Revised Osage Wind FCA to clarify that the Third Revised Osage Wind FCA amends and restates the Original Osage Wind FCA, as revised by the First Revised Osage Wind FCA and the Second Revised Osage Wind FCA, for the limited purpose of permitting the Interconnection Customer to assign credits associated with Network Upgrades. The Third Revised Osage Wind FCA also reflects the current status of the responsibilities for the Parties.

Specifically, the Parties added wording in Article 3.2.2.1 to state the credits to which the Interconnection Customer is entitled to in accordance with Attachment Z2 of the Tariff may be assigned by the Interconnection Customer to any entity. The Parties also added wording in Article 2.2.1 to clarify the termination provisions and any outstanding obligations of SPP to provide credits in accordance with Article 3.2.2.1. To

---

<sup>3</sup> See Southwest Power Pool, Inc., Open Access Transmission Tariff, Sixth Revised Volume No. 1.

<sup>4</sup> See Tariff at Attachment V, Appendix 6 (“*pro forma* GIA”).

<sup>5</sup> See Sw. Power Pool, Inc., Letter Order, Docket No. ER11-4390-000 (October 13, 2011) (“Original Osage Wind FCA”).

<sup>6</sup> See Sw. Power Pool, Inc., Letter Order, Docket No. ER12-1802-000 (July 10, 2012) (“First Revised Osage Wind FCA”).

clarify the amended status of the Third Revised Osage Wind FCA, the Parties modified the Recitals and Article 17.5, and added Article 17.11, which states that the Original Osage Wind FCA, as amended by the First Revised Osage Wind FCA and Second Revised Osage Wind FCA, is amended and restated by the Third Revised Osage Wind FCA. The Parties updated the milestone and payment schedule in Article 1.3 of Appendix A to reflect the completion of milestones. Contact information and billing information in Article 16 were also updated. To effectuate these changes, the Parties entered into the Third Revised Osage Wind FCA, which is identical to the Second Revised Osage Wind FCA except for the changes described herein. The Third Revised Osage Wind FCA retains the non-conforming terms and conditions from the Second Revised Osage Wind FCA that were accepted by the Commission in the January Letter Order.<sup>7</sup>

#### **IV. Effective Date and Waiver**

SPP requests an effective date of November 29, 2016 for the Third Revised Osage Wind FCA. To permit such an effective date, pursuant to section 35.11 of the Commission's rules and regulations, 18 C.F.R. § 35.11, SPP requests a waiver of the Commission's 60-day notice requirement set forth at 18 C.F.R. § 35.3. Waiver is appropriate because the Third Revised Osage Wind FCA is being filed no later than 30 days after the effective date of the agreement.<sup>8</sup>

---

<sup>7</sup> See January Letter Order.

<sup>8</sup> See *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, at 61,983-84, *order on reh'g*, 65 FERC ¶ 61,081 (1993) (the Commission will grant waiver of the 60-day prior notice requirement "if service agreements are filed within 30 days after service commences."); see also 18 C.F.R. § 35.3(a)(2).

**V. Additional Information**

**A. Information Required by Section 35.13 of the Commission's Regulations, 18 C.F.R. § 35.13:**

**(1) Documents Submitted with this Filing:**

In addition to this transmittal letter, SPP is submitting the following:

- (a) A clean copy of the Third Revised Osage Wind FCA; and
- (b) A redline copy of the Third Revised Osage Wind FCA.

**(2) Effective Date:**

As discussed above, SPP respectfully requests that the Commission accept the Third Revised Osage Wind FCA with an effective date of November 29, 2016.

**(3) Service:**

SPP is serving a copy of this filing on the representatives for the Parties listed in the Third Revised Osage Wind FCA.

**(4) Basis of Rate:**

All charges under the Third Revised Osage Wind FCA will be determined in accordance with the Tariff and the Third Revised Osage Wind FCA.

**B. Communications**

Any correspondence regarding this matter should be directed to:

Tessie Kentner  
Senior Attorney  
Southwest Power Pool, Inc.  
201 Worthen Drive  
Little Rock, AR 72223  
Telephone: (501) 688-1782  
[tkentner@spp.org](mailto:tkentner@spp.org)

Nicole Wagner  
Manager - Regulatory Policy  
Southwest Power Pool, Inc.  
201 Worthen Drive  
Little Rock, AR 72223  
Telephone: (501) 688-1642  
[jwagner@spp.org](mailto:jwagner@spp.org)

The Honorable Kimberly D. Bose

December 20, 2016

Page 5

**VI. Conclusion**

For all the foregoing reasons, SPP respectfully requests that the Commission accept the Third Revised Osage Wind FCA with an effective date of November 29, 2016.

Respectfully submitted,

/s/ Tessie Kentner

Tessie Kentner

Senior Attorney

Southwest Power Pool, Inc.

201 Worthen Drive

Little Rock, AR 72223

Telephone: (501) 688-1782

[tkentner@spp.org](mailto:tkentner@spp.org)

**Attorney for Southwest Power  
Pool, Inc.**