

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

**PacifiCorp** )  
 ) **Docket No. ER12-\_\_\_\_-000**  
 )

**REQUEST FOR LIMITED TARIFF WAIVER AND  
REQUEST FOR FAST TRACK PROCESSING OF PACIFICORP**

Pursuant to Rule 207(a)(5) of the Federal Energy Regulatory Commission’s (“Commission”) Rules of Practice and Procedure, 18 C.F.R. § 385.207(a)(5), PacifiCorp respectfully requests a limited, one-time waiver of the requirement in the Formula Rate Implementation Protocols (“Protocols”) of its Open Access Transmission Tariff (“OATT”), which provide for a Customer Meeting to be held no later than thirty days after PacifiCorp publishes the annual update to its transmission formula rate. PacifiCorp requests that the Commission grant waiver to permit PacifiCorp to hold the Customer Meeting no later than sixty days after publication of the annual update to its formula rate, or July 30, 2012. PacifiCorp makes this waiver request to accommodate its transmission customers, which have requested an extension of the date for the Customer Meeting so that they may have additional time to analyze PacifiCorp’s first Annual Update under the Formula Rate Implementation Protocols and prepare for the Customer Meeting. In light of the approaching deadline for holding the Customer Meeting, PacifiCorp respectfully requests fast-track processing of this waiver request.

**I. BACKGROUND**

On May 26, 2011, in Docket No. ER11-3643-000, PacifiCorp filed revisions to its OATT under Section 205 of the Federal Power Act (“FPA”)<sup>1</sup> to: (1) replace its existing stated rates with

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<sup>1</sup> 16 U.S.C. § 824d (2000).

formula rates for Network Integration Transmission Service, Point-to-Point Transmission Service and Schedule 1 (Scheduling, System Control, and Dispatch Service); (2) update PacifiCorp's stated rates for ancillary service schedules 2, 3, 5, and 6; (3) include a new Schedule 3A to provide for Generation Regulation and Frequency Response Service; and (4) update PacifiCorp's transmission real power loss factors under Schedule 10.

Similar to other formula rates accepted by the Commission, PacifiCorp's transmission formula rate includes accompanying Protocols which set forth Annual Review Procedures. These procedures, in general, specify how the formula rate will be updated, when it will be updated, and describe how customers may review the updated formula rate, obtain further information about the updated formula rate, and resolve disputes regarding the updated formula rate.<sup>2</sup>

On August 8, 2011, the Commission accepted PacifiCorp's filing, suspended it for five months, subject to refund, and established hearing and settlement procedures. *PacifiCorp*, 136 FERC ¶ 61,092 (2011). The parties to Docket No. ER11-3643-000 have been actively engaged in settlement discussions over the past ten months.<sup>3</sup> In the meantime, PacifiCorp's OATT revisions in Docket No. ER11-3643-000 became effective on January 1, 2012. The first scheduled update of the PacifiCorp transmission formula rate and implementation of the Annual Review Procedures will occur in June 2012.

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<sup>2</sup> See PacifiCorp OATT, Attachment H-2.

<sup>3</sup> Settlement conferences in Docket No. ER11-3643-000 were held at the Commission's offices on Aug. 22, 2011; Nov. 29-30, 2011; Dec. 15-16, 2011; Jan. 5-6, 2012; Feb. 7-8, 2012; Mar. 6-7, 2012; and Apr. 23-24, 2012. In addition, PacifiCorp hosted a technical conference on October 5-6, 2011.

A feature of the Annual Review Procedures is an annual Customer Meeting. The Annual Review Procedures provide: “Each year, with at least thirty (30) days notice, the Transmission Provider shall organize a meeting or conference call among interested parties (“Customer Meeting”) during which the Transmission Provider shall present details about its Annual Update.”<sup>4</sup> In terms of the timing of the Customer Meeting, the Protocols state that it “shall take place no sooner than ten (10) days after the Publication Date and no later than thirty (30) days after the Publication Date, at a date and time posted on the Transmission Provider’s internet website.”<sup>5</sup> The Publication Date of the Annual Update is June 1 of each year and, accordingly, the Customer Meeting would take place between June 10 and June 30. However, the Protocols also provide that “[i]f any of the dates provided for herein fall on a Saturday, Sunday or Federal holiday, then the due date shall be the first business day thereafter.”<sup>6</sup> Because June 10, 2012, and June 30, 2012, occur on a weekend, the Protocols require that the 2012 Customer Meeting take place between June 11, 2012, and July 2, 2012.

## **II. REQUEST FOR WAIVER AND FAST-TRACK PROCESSING**

Several of PacifiCorp’s largest transmission customers have requested that PacifiCorp defer holding the Customer Meeting until later in July 2012. PacifiCorp’s understanding is that this request is driven by the considerable efforts and resources of the parties devoted to reaching a settlement in PacifiCorp’s ongoing rate case and -- because June 2012 will mark the first time that the Annual Review Procedures are applied -- a desire by the customers for additional time to analyze the Annual Update and prepare for the Customer Meeting. Given that extending the due date for the Customer Meeting will benefit its customers, PacifiCorp agreed to seek an extension

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<sup>4</sup> Protocols, § II.1.

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

<sup>6</sup> *Id.*, § II.

of this deadline with the Commission. While this request for waiver was initiated at the request of several of PacifiCorp's transmission customers, PacifiCorp also circulated this request for waiver to all of its transmission customers in Docket No. ER11-3643-000 and requested that customers state whether they objected to the request. No objections were received.

Therefore, to accommodate its customers, PacifiCorp respectfully requests a limited, one-time waiver of its Protocols requirements for the timing of the Customer Meeting so that it may be held no later than sixty (60) days after the Publication Date. With this waiver in place, the Customer Meeting would be held no later than July 30, 2012.

Granting the requested waiver is consistent with Commission precedent. Commission precedent holds that a one-time waiver of a tariff requirement is appropriate where "good cause for a waiver of limited scope exists, there are no undesirable consequences, and the resultant benefits to customers are evident."<sup>7</sup> Applying its waiver precedent, the Commission has previously granted a one-time waiver of the requirements of formula rate protocols<sup>8</sup> and permitted waivers of OATT deadlines.<sup>9</sup>

In this case, PacifiCorp effectively is requesting the waiver on behalf of its customers and, as such, this waiver is consistent with prior Commission precedent granting waivers of

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<sup>7</sup> *Hydrogen Energy California LLC*, 135 FERC ¶ 61,068 at P 26 (2011).

<sup>8</sup> *E.g.*, *Westar Energy, Inc.*, 131 FERC ¶ 61,189 (2010).

<sup>9</sup> *E.g.*, *The Connecticut Light and Power Co.*, 126 FERC ¶ 61,186 (2009) (granting waiver of the "true up" deposit deadline under the forward capacity market rules for Qualification Process Cost Reimbursement for certain energy efficiency demand resource expansion projects); *ISO New England, Inc.*, 127 FERC ¶ 61,242 (2009) (granting waiver of ISONE rule that requires demand resources to submit certain verifications by a deadline to participate in the forward capacity market); *PJM Interconnection, LLC*, 132 FERC ¶ 61,140 (2010) (granting waiver of study time requirements relative to notice of reliability impacts associated with a generation owner's request to deactivate a generator unit(s) coincidental with a request to transfer the generator unit's Capacity Interconnection Rights to another generator unit); *Pittsfield Generating Company, L.P.*, 130 FERC ¶ 61,182 (2010) (granting waiver of ISO New England's deadline prescribed in the Forward Capacity Market Rules for modifying the summer qualified capacity for generator facilities).

OATT requirements on behalf of customers.<sup>10</sup> Good cause exists to grant the requested waiver. The waiver is of limited scope because it is a one-time waiver applicable only to the Customer Meeting to be held in 2012 and only extends the deadline for holding the meeting by thirty days. The waiver will not affect the timing of the posting of the Annual Update, which will occur on June 1, 2012. The waiver also has no impact on rates. Moreover, no Commission policy would be circumvented by granting the waiver.<sup>11</sup>

The benefits to customers are evident as PacifiCorp's transmission customers will have additional time to analyze the Annual Update and prepare for the Customer Meeting. This is the first year that the Annual Review Procedures will be implemented, and, at this point, PacifiCorp expects that extensions in the future on behalf of its customers will not be necessary as they gain experience with the Annual Review Procedures.

There will be no undesirable consequences on third parties by granting this waiver, as it only extends the Customer Meeting date. PacifiCorp notes that although certain deadlines under the Annual Review Procedures are tied to the Customer Meeting, these deadlines effectively would be extended by operation of an extension of the Customer Meeting. For example, both the time periods for submission of information requests to PacifiCorp regarding the Annual Update and for filing a Formal Challenge with the Commission run from the Customer Meeting and would, therefore, be extended if the waiver is granted.<sup>12</sup>

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<sup>10</sup> See *PJM Interconnection, LLC*, 135 FERC ¶ 61,211 (2011) (granting waiver of PJM tariff deadline to permit customer to register behind-the-meter resources to participate in load response program).

<sup>11</sup> See *Seneca Energy II, LLC*, 138 FERC ¶ 61,226 at P 8 (2012).

<sup>12</sup> Protocols, §§ II.2 and III.1.

Given the approaching deadline for holding the Customer Meeting, PacifiCorp respectfully requests fast-track processing of this petition for waiver and Commission action by June 8, 2012. Expedited action on this matter will greatly assist PacifiCorp's customers with preparing for, planning and traveling to attend the Customer Meeting.

### III. CONCLUSION

Wherefore, for the foregoing reasons, PacifiCorp respectfully requests that the Commission grant a limited, one-time waiver of its Protocols to permit the Customer Meeting under the Annual Review Procedures to occur no later than sixty days after publication of the Annual Update to its transmission formula rate (*i.e.*, July 30, 2012). PacifiCorp also respectfully requests that the Commission grant fast-track processing for this waiver request.

Respectfully Submitted,

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