

133 FERC ¶ 61,197  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Jon Wellinghoff, Chairman;  
Marc Spitzer, Philip D. Moeller,  
John R. Norris, and Cheryl A. LaFleur.

Participating Transmission Owners  
Administrative Committee

Docket No. ER11-23-000

ORDER GRANTING REQUEST FOR WAIVERS

(Issued December 3, 2010)

1. On October 4, 2010, the PTO Administrative Committee, on behalf of the Participating Transmission Owners (PTOs),<sup>1</sup> the Schedule 20A Service Providers (SSPs),<sup>2</sup> Cross-Sound Cable Company, LLC (Cross-Sound Cable), New England Power

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<sup>1</sup> The PTOs provide service under Schedule 21 – Local Service of the ISO-New England (ISO-NE) Open Access Transmission Tariff (OATT). The PTOs include Bangor Hydro-Electric Co.; Town of Braintree Electric Light Dep't; NSTAR Electric Co.; Central Maine Power Co.; Maine Electric Power Co.; Central Vermont Public Service Corp.; Connecticut Municipal Electric Energy Coop.; The City of Holyoke Gas and Electric Dep't; New Hampshire Transmission, LLC; Green Mountain Power Corp.; Massachusetts Municipal Wholesale Electric Co.; New England Power Co. d/b/a National Grid; New Hampshire Electric Coop., Inc.; Northeast Utilities Service Co. on behalf of its affiliates The Connecticut Light and Power Co., Western Massachusetts Electric Co., and Public Service Co. of New Hampshire; Taunton Municipal Lighting Plant; Town of Norwood Municipal Light Dep't; Town of Reading Municipal Light Dep't; The United Illuminating Co.; Unitil Energy Systems, Inc. and Fitchburg Gas and Electric Light Co.; Vermont Electric Coop. Inc.; Vermont Electric Power Co. Inc.; Vermont Transco, LLC; and Vermont Public Power Supply Auth.

<sup>2</sup> The SSPs hold the rights to the transmission capacity over the Phase I/II high voltage, direct current-transmission facilities (Phase I/II HVDC-TF) interconnecting the transmission systems operated by ISO-NE and Hydro-Québec TransÉnergie under Schedule 20A of the ISO-NE OATT. The SSPs include: Bangor Hydro-Electric Co.

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Company, Northeast Utilities Service Company, Unitil Energy Systems, Inc., and Fitchburg Gas and Electric Light Company (collectively, the Joint Filing Parties), jointly submitted a request seeking a waiver of certain business practice standards contained in Version 002.1 of the Wholesale Electric Quadrant (WEQ Standards) adopted by the North American Energy Standards Board (NAESB) that were incorporated by reference into the Commission's regulations pursuant to Order No. 676-E.<sup>3</sup> In this order, we grant the Joint Filing Parties' request for waiver of certain portions of the NAESB business practice Version 002.1 standards as described below.

### **Background**

2. On April 25, 2006, the Commission issued Order No. 676,<sup>4</sup> which amended the Commission's regulations under the Federal Power Act to incorporate by reference certain standards promulgated by NAESB's Wholesale Electric Quadrant (WEQ).<sup>5</sup> As an alternative to complying with the standards, Order No. 676 gave public utilities the option of applying for a waiver of some or all of the standards by filing a request explaining the reasons why the waiver should be granted.

3. On November 4, 2009, the Commission issued Order No. 676-E, which revised its regulations to incorporate by reference the latest version (Version 002.1) of business practice standards adopted by the WEQ of NAESB. NAESB's Version 002.1 Standards

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(BHE) (BHE offers the use rights of PPL EnergyPlus, LLC under Schedule 20A); NSTAR Electric Co.; Central Maine Power Co. (CMP); Central Vermont Public Service Corp. (CVPS) (CVPS offers the Use Rights of Fitchburg Gas and Electric Light Company and UNITIL Power Corp., under Schedule 20A); Green Mountain Power Corp.; New England Power Co.; Northeast Utilities Service Co. on behalf of its affiliates The Connecticut Light and Power Co., Western Massachusetts Electric Co., and Public Service Co. of New Hampshire; The United Illuminating Co.; and Vermont Electric Coop.

<sup>3</sup> *Standards for Business Practices and Communication Protocols for Public Utilities*, Order No. 676-E, FERC Stats. & Regs. ¶ 31,299 (2009).

<sup>4</sup> *Standards for Business Practices and Communication Protocols for Public Utilities*, Order No. 676, FERC Stats. & Regs. ¶ 31,216 (2006), *reh'g denied*, Order No. 676-A, 116 FERC ¶ 61,255 (2006), *amended*, Order No. 676-B, FERC Stats. & Regs. ¶ 31,246 (2007), *revised*, Order No. 676-C, FERC Stats. & Regs. ¶ 31,274 (2008), *order on clarification and reh'g*, Order No. 676-D, 124 FERC ¶ 61,317 (2008).

<sup>5</sup> Order No. 676, FERC Stats. & Regs. ¶ 31,216 at P 1, 19.

included revised standards adopted by NAESB in response to Order Nos. 890, 890-A, and 890-B.<sup>6</sup> The revisions contained in the Version 002.1 Standards modify NAESB's Commercial Timing Table (WEQ-004 Appendix D) and Transmission Loading Relief Standards (WEQ-008) to provide clarity, align NAESB's business practice standards with the reliability standards adopted by the North American Electric Reliability Corporation, and amend certain ancillary services definitions appearing in the Open Access Same-Time Information Systems Standards (WEQ-001) relating to the inclusion of demand response resources as potential providers of ancillary services.

4. As in Order No. 676, Order No. 676-E contained provisions for an entity to seek a waiver from its requirements.<sup>7</sup> In Order Nos. 676 and 676-E, the Commission clarified that, to the extent that a public utility's OASIS obligations are administered by an independent system operator or a regional transmission operator, the public utility will not be required to modify its OATT to include the WEQ OASIS-related standards.<sup>8</sup> Version 002.1 of the WEQ Standards contains five WEQ Standards related to OASIS administration: WEQ-001; WEQ-002; WEQ-003; WEQ-012; and WEQ-013.

### **Interventions, Protests or Comments**

5. Notice of the Joint Filing Parties' October 4, 2010 filing was published in the *Federal Register*, 75 Fed. Reg. 63,457 (2010), with comments, protests and interventions due on or before October 25, 2010. No interventions, protests or adverse comments were filed.

### **Discussion**

#### **A. Request for Limited Waiver of Certain WEQ Standards**

6. The Joint Filing Parties request a limited waiver of certain WEQ standards, arguing that such standards are inapplicable due to the nature of service they provide. The Joint Filing Parties indicate that the proposed waivers were presented, reviewed and

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<sup>6</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. ¶ 31,241, *order on reh'g*, Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g*, Order No. 890-B, 123 FERC ¶ 61,299 (2008).

<sup>7</sup> Order No. 676-C, FERC Stats. & Regs. ¶ 31,274, at P 19, 84.

<sup>8</sup> Order No. 676, FERC Stats. & Regs. ¶ 31,216, at P 20; Order No. 676-E, FERC Stats. & Regs. ¶ 31,299, at P 16.

discussed during a New England Power Pool Participants Committee (NEPOOL) stakeholder meeting on September 29, 2010.

**B. The Joint Filing Parties**

**OASIS-Related WEQ Standards**

7. The Joint Filing Parties contend that ISO New England Inc. (ISO-NE), as the regional transmission operator, plays a primary role in operating and maintaining the OASIS and administering the OASIS for the PTOs and the SSPs. However, the PTOs and SSPs explain that to a limited extent they share responsibilities over the administration of the OASIS. Therefore, although they seek waiver of most of the five OASIS-related standards here, the Joint Filing Parties indicate that in a future filing<sup>9</sup> they will propose to insert conditional language into Schedules 20A and 21 indicating that these five OASIS-related WEQ standards (WEQ-001, WEQ-002, WEQ-003, WEQ-012,<sup>10</sup> and WEQ-013) will be incorporated by reference into Schedules 20A and 21 to the extent applicable.

8. Similarly, the filing indicates that while the Cross-Sound Cable is also subject to the operational control, scheduling and maintenance coordination of ISO-NE, Cross-Sound Cable also has OASIS administrative responsibilities as they relate to the offering and administration of transmission service over the Cross-Sound Cable, and it collaborates and coordinates with ISO-NE to ensure the proper accountability for all OASIS functions. Consequently, Cross-Sound Cable has identified certain requirements under OASIS-related WEQ Standards 001, 002, 003, 012 and 013 for which it has a minor role, with some exceptions for which Cross-Sound Cable seeks waiver as described below. Also, Cross-Sound Cable is obligated as a Transmission Service Provider to post on the OASIS information associated with Merchant Transmission Facilities (MTF) Service in compliance with Order No. 889 and all other applicable Commission orders related to OASIS posting and management. Therefore, similar to the PTOs and SSPs, Cross-Sound Cable will incorporate by reference these OASIS-related WEQ Standards. In recognition of ISO-NE's primary role in operating and maintaining the OASIS, Cross-Sound Cable, in a future filing, will propose to insert conditional

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<sup>9</sup> The Joint Filing Parties state that they will make a future Order No. 676-E compliance filing to incorporate these standards by reference "to the extent applicable," on or before December 31, 2010.

<sup>10</sup> The Commission has directed that the Joint Filing Parties must comply with Standard WEQ-012 when it is applicable to ISO-NE's operations. *See Participating Transmission Owners Administrative Comm.*, 127 FERC ¶ 61,053, at P13 (2009).

language indicating that “to the extent applicable” these WEQ Standards are incorporated by reference into Attachment Z to Schedule 18, with the exception of WEQ-001-4.1, 001-4.7.2.1, 001-9.1 through 001-10.8.7 for which Cross-Sound Cable seeks partial waiver as discussed below.

9. The Joint Filing Parties, with the exception of Cross-Sound Cable and the SSPs, request waiver of Standard WEQ-004, which governs interchange matters. The Joint Filing Parties explain that the PTOs have no authority for matters affecting the identification, quantification or approval of net interchange transactions as contemplated by WEQ-004 and therefore do not qualify to be an Approval Entity.<sup>11</sup> Rather, ISO-NE is the net interchange authority and the Approval Entity on behalf of the New England region. Therefore, the Joint Filing Parties contend that Standard WEQ-004 is inapplicable to them.<sup>12</sup>

10. Second, all Joint Filing Parties request waiver of the WEQ-005 Area Control Error Equation Special Cases Standards and the WEQ-007 Inadvertent Interchange Payback Standards. The Joint Filing Parties state that these standards apply only to balancing authorities and that ISO-NE acts as the balancing authority and performs all functions associated with these standards. The Joint Filing Parties state that because they are not balancing authorities, these standards do not apply to them.

11. Third, all Joint Filing Parties seek waiver of NAESB’s new standards governing Transmission Loading Relief (TLR) under WEQ Standard 008. The Joint Filing Parties assert that ISO-NE does not call TLRs or utilize TLR-like procedures, but rather implements specific rules in the ISO-NE OATT, as accepted by the Commission, that govern how ISO-NE schedules and curtails transactions. While neither ISO-NE nor the Joint Filing Parties initiate TLRs, the Joint Filing Parties state that they are obligated to respond in accordance with TLRs that have an impact on the New England region that have been initiated by another entity. Because ISO-NE does not call TLRs, the Joint Filing Parties request that the Commission waive this requirement.

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<sup>11</sup> An Approval Entity is defined in WEQ 004-0.1 as “[a]n entity that has approval rights for an Arranged Interchange; this includes the Transmission Service Providers (TSP), scheduling Balancing Authorities (BA), Generator-Providing Entity (GPE), and the Load-Serving Entity (LSE) that are included in the Arranged Interchange, as well as any Purchasing Selling Entity (PSE) whose transmission rights are cited (TPSE) in the Arranged Interchange.”

<sup>12</sup> The request for waiver of Standard WEQ-004 excludes Cross-Sound Cable, which separately seeks waiver of this standard herein.

12. Finally, the Joint Filing Parties seek a limited waiver of Standard WEQ-011, governing Gas/Electric Coordination, to the extent that WEQ-011 applies to any of the Joint Filing Parties, in whole or in part.<sup>13</sup> The Joint Filing Parties explain that with certain limited exceptions,<sup>14</sup> the Joint Filing Parties “do not own any power plants or any natural gas pipelines in New England.” Thus, the procedures required by WEQ Standard 011-1.2<sup>15</sup> do not apply to them. Further, the Joint Filing Parties explain that, as transmission providers, they are not among the types of entities described by WEQ Standard 011-1.6.<sup>16</sup> Rather, they explain, ISO-NE acts as the balancing authority and reliability coordinator for the New England region and is responsible for the type of coordination and communication contemplated in WEQ Standard 011-1.6. Thus, the Joint Filing Parties conclude that the procedures required by WEQ-011 do not generally apply to the Joint Filing Parties.

13. We find that the Joint Filing Parties’ request for waiver of the specific standards discussed above is reasonable. Because ISO-NE, as the regional transmission operator, plays a primary role in operating and maintaining the OASIS and administering the OASIS for the PTOs and the SSPs, we grant the Joint Filing Parties waiver of the five OASIS-related WEQ standards (WEQ-001, WEQ-002, WEQ-003, WEQ-012, and WEQ-013) to the extent they are inapplicable as discussed above.<sup>17</sup> Additionally, we agree that

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<sup>13</sup> The filing states that the following companies have responded to the Commission and have indicated that WEQ-011 does not apply to them: Bangor Hydro-Electric Co.; Central Maine Power Co.; Central Vermont Public Service Corp., Fitchburg Gas and Electric Light Co. and Unitil Energy Systems, Inc.; Green Mountain Power Corp.; New England Power Co. d/b/a National Grid; Northeast Utilities Service Co. (on behalf of The Connecticut Light and Power Co. and Western Massachusetts Electric Co.); NSTAR Electric Co.; and The United Illuminating Co.

<sup>14</sup> These exceptions are noted in the filing, but not detailed.

<sup>15</sup> WEQ Standard 011-1.2 directs the power plant operator and the transportation service provider directly connected to the power plant operator’s facilities to establish procedures to communicate material changes in circumstances that may impact hourly flow rates, and the power plant operator to provide projected hourly flow rates accordingly.

<sup>16</sup> WEQ Standard 011-1.6 establishes operational communication procedures with the appropriate transportation service provider and/or power plant operator.

<sup>17</sup> The Joint Filing Parties are required to make a future filing regarding their obligations under these five OASIS-related WEQ standards consistent with Order No.

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the Joint Filing Parties do not act as a balancing authority and do not currently provide any of the functions addressed by these standards, thus we grant the Joint Filing Parties' request for waiver of WEQ-005 and WEQ-007. Further, we grant waiver of WEQ-004 and WEQ-011 to the extent they are inapplicable, in whole or in part. In addition, because ISO-NE does not use the TLR procedures addressed by WEQ-008, we grant the Joint Filing Parties' request for a waiver of this standard.

### **C. New England Power**

#### **1. Waivers in Connection with Local Point-to-Point Service**

14. New England Power requests waiver of all WEQ-001 business practice standards for OASIS that relate specifically to Local Point-to-Point Service (listed below), which New England Power indicates it does not provide:

- 001-1.6(b)(I) through 001-1.6(b)(3) (Posting Transmission Capability);
- 001-2.1 through 001-2.14 (Attribute Values Defining The Period of Service);
- 001-2.2 through 001-2.2.2 (Attribute Values Defining Service Class);
- 001-2.3 through 001-2.3.2 (Attribute Values Defining Service Types);
- 001-4 through 001-4.27 (On-Line Negotiation and Confirmation Process);
- 001-5 through 001-5.6 (Procurement of Ancillary and Other Services);
- 001-8 through 001-8.3.2, including WEQ 001-A (Requirements For Dealing With Multiple, Identical Transmission Service Requests);
- 001-9 through 001-9.8.1, including WEQ 001-B (Requirements For Dealing With Redirects On A Firm Basis);
- 001-10 through 001-10.8.7 (Requirements For Dealing With Redirects On A Non-Firm Basis); 001-11 through 001-11.7 .1 (Resales); and
- 001-12 through 001-12.5.2 (Transfers).

15. In a prior filing on January 30, 2009, New England Power requested waiver of all Business Practices for OASIS Standards WEQ-001 that relate specifically to Point-to-Point Service, which New England Power does not provide. New England Power notes that in its subsequent order issued on April 15, 2009, the Commission granted New

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676-E and Order No. 729-B. See Order No. 676-E, 129 FERC ¶ 61,162, at P 16; *Mandatory Reliability Standards for the Calculation of Available Transfer Capability, Capacity Benefit Margins, Transmission Reliability Margins, Total Transfer Capability, and Existing Transmission Commitments; Mandatory Reliability Standards for the Bulk-Power System; and Standards for Business Practices and Communications Protocols for Public Utilities*, Order No. 729-B, 132 FERC ¶ 61,027, at P 13-15 (2010).

England Power's request for waivers of the OASIS Standards WEQ-001 that relate specifically to Point-to-Point Service.<sup>18</sup> New England Power certifies that the circumstances warranting the waiver of such WEQ-001 standards have not changed. Since those circumstances have not changed, the request for waiver is granted.

**2. Request for Waiver of New Standards Governing ATC-related Requirements for Pro Forma OATT Service (Point-To-Point) Not Provided by New England Power**

16. New England Power requests waiver of NAESB Version 002.1 new standards related to the calculation of firm and non-firm available transfer capability (ATC). Specifically, New England Power requests waiver of the following WEQ-001 Standards as applicable to Schedule 21-NEP:

- Standards 001-13.1.5 (ATC Information Link);
- Standards 001-14 through 001-14.2.3.3 (Zero ATC Narrative);
- Standards 001-15 through 001-15.2.3.5 (ATC Change Narrative);
- Standards 001-16 through 001-16.1 (ATC or AFC Methodology Questions);
- Standards 001-18 through 001-18.2 (Determination of Post back);
- Standards 001-19 through 001-19.1.2 (Grandfathered Agreements);
- Standards 001-22 through 001-22.2 (Information to Audit Usage of CBM); and
- 001-D Appendix D - Postback Conditions for Use in Calculation of ATC or AFC, as Appropriate.

17. New England Power states that these WEQ-001 Standards are not applicable to Schedule 21-NEP as these standards are Point-to-Point Service-related ATC requirements and New England Power does not provide Point-to-Point Service under Schedule 21-NEP. New England Power asserts that the relevant provisions of Schedule 21-NEP and the circumstances supporting the Commission's determination in its April 15, 2009 Order<sup>19</sup> all hold true for these WEQ-001 Standards.

18. Because the circumstances supporting the Commission's prior determination for these WEQ-001 Standards have not changed, the requested waiver is granted.

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<sup>18</sup> *Participating Transmission Owners Administrative Comm.*, 127 FERC ¶ 61,053.

<sup>19</sup> *Participating Transmission Owners Administrative Comm.*, 127 FERC ¶ 61,053.



**3. Request for Waiver of New Standards Governing Pro Forma OATT Service (Point-To-Point) Not Provided by New England Power**

19. New England Power requests waiver of NAESB Version 002.1's new standards related to Point-To-Point Service not provided by New England Power. Specifically, New England Power requests waiver of the following WEQ-001 Standards as applicable to Schedule 21-NEP:

- Standards 001-20 through 001-20.3 (Rollover Rights); and
- Standards 001-21 through 001-21.5.5 (Granting and Managing a CCO Reservation)

20. New England Power states that these WEQ-001 Standards are not applicable to Schedule 21-NEP because these standards are Point-to-Point Service and New England Power does not provide Point-to-Point Service under Schedule 21-NEP; rather New England Power provides only Network Transmission Service under Schedule 21-NEP.

21. Because New England Power does not provide the Local Point-to-Point transmission service addressed by those new standards in WEQ-001, we grant New England Power's request for a waiver of these new standards.

**D. Northeast Utilities**

22. With the limited exception of the Public Service Company of New Hampshire (PSNH),<sup>20</sup> the utilities comprising Northeast Utilities<sup>21</sup> request a general waiver of applicability from WEQ Standard 011 (Gas/Electric Coordination). With the exception of PSNH, the other member utilities of Northeast Utilities indicate that they do not own or operate any power plants or interstate natural gas pipelines, and the gas-electric communication procedures required by WEQ Standard 011, such as 011-1.2 and 011-

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<sup>20</sup> On October 31, 2007, the PSNH made a compliance filing adopting the gas-electric coordination communication protocol required by WEQ Standard 011-1.2 in Docket Nos. RM96-1-027 and RM05-5-001.

<sup>21</sup> The Northeast Utilities companies are: The Connecticut Light and Power Company, Western Massachusetts Electric Company, and Public Service Company of New Hampshire.

1.3<sup>22</sup> do not apply to them. Further, none of those Northeast Utilities member utilities are entities described by WEQ Standard 011-1.6. Instead, the Northeast Utilities indicate that ISO-NE acts as the balancing authority and reliability coordinator for the New England region and is responsible for the type of coordination and communication contemplated in WEQ Standard 011-1.6.<sup>23</sup> Thus, the Northeast Utilities submit that the only portions of WEQ Standard 011 that apply to any of the Northeast Utilities are WEQ Standards 011-1.2 and 011-1.3, and that the applicability of these standards is limited to PSNH.

23. We agree that Northeast Utilities does not act as a balancing authority and does not, except for PSNH, currently provide any of the functions addressed by Standards 011-1.2 and 011-1.3, and the applicability of these Standards is limited to PSNH. Thus, we grant the Northeast Utilities' request for waiver, except for PSNH.

#### **E. Unitil Companies**

24. On September 21, 2006, the Commission granted waiver of sections 35.28, 37.5(b) and 38.2(a)(1)-(7) of the Commission's regulations to Unitil Energy Systems, Inc. and Fitchburg Gas and Electric Light Company (collectively, Unitil Companies)<sup>24</sup> under the small public utility waiver provisions of Order No. 676. The Commission further confirmed the waivers relating to OASIS-related requirements of the regulations previously granted to the Unitil Companies, and granted a waiver of certain newly created requirements in connection with Order No. 676-C.<sup>25</sup> The Unitil Companies

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<sup>22</sup> WEQ Standards 011-1.2 and 011-1.3 apply to power plant operators and transmission service providers whose facilities are directly connected with or with whom the power plant operator is a service requester.

<sup>23</sup> The Northeast Utilities submit that ISO-NE made a compliance filing on November 1, 2007, confirming its compliance with WEQ Standard 011-1.6, which governs operational communication procedures. Thus, because ISO-NE fulfills the requirements of that standard, the Northeast Utilities explains that the procedures required by WEQ Standard 011-1.6 do not apply to the Northeast Utilities. *See also Standards for Business Practices for Interstate Natural Gas Pipelines; Standards for Business Practices for Public Utilities*, Order No. 698, FERC Stats. & Regs. ¶ 31,251 (2007).

<sup>24</sup> *See Unitil Companies*, 116 FERC ¶ 61,266 (2006).

<sup>25</sup> *See Participating Transmission Owners Administrative Comm.*, 127 FERC ¶ 61,053; *see also Participating Transmission Owners Administrative Comm.*, Docket No. ER09-626-002 (Dec. 12, 2009) (unpublished letter order).

certify that the circumstances warranting the waiver of the OASIS requirements and the WEQ standards have not changed.

25. In this proceeding, the Unitil Companies request that the Commission affirm the existing waivers referenced above and, to the extent necessary, grant waiver of the new standards incorporated by reference in Order No. 676-E.

26. Based on the information provided in the Unitil Companies' waiver request, we affirm the existing waivers referenced above. The Unitil Companies continue to meet the criteria for small public utility waiver provided in Order No. 676.<sup>26</sup> Additionally, for the same reason, the Commission grants waiver of the new standards contained in WEQ Standards Version 002.1, except to the extent that WEQ-012 would be applicable.<sup>27</sup> The Commission affirms the waiver of the OASIS-related standards subject to the same conditions as applied to the Unitil Companies' earlier waiver of the OASIS-related standards.<sup>28</sup>

#### **F. Cross-Sound Cable Company, LLC**

27. Cross-Sound Cable requests waiver of WEQ Standard 001-4.1 as it applies to Schedule 18 MTF Service. This Standard provides that "[a]ll reservations and price negotiations shall be conducted on OASIS." Cross-Sound Cable asserts that good cause exists to grant waiver of this Standard because transmission service over the Cross-Sound Cable is provided in accordance with a Commission-approved process rather than exclusively through the OASIS. Cross-Sound Cable requests waiver to the extent that negotiations for capacity rights over the Cross-Sound Cable take place outside an OASIS posting, as approved by the Commission. To the extent that negotiations for capacity rights are conducted via the Commission-approved process, the waiver as requested is granted.

28. Cross-Sound Cable also requests waiver of WEQ Standards 001-9.1 through 001-10.8.7 as they applies to Schedule 18 MTF Service. Cross-Sound Cable states that these Standards effectively assume that redirects to or from alternate points of receipt or delivery occur over a transmission network or grid. Cross-Sound Cable notes that the

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<sup>26</sup> Order No. 676, FERC Stats. & Regs. ¶ 31,216 at P 85-87.

<sup>27</sup> The Commission has directed that the Joint Filing Parties must comply with Standard WEQ-012 when it is applicable to ISO-NE's operations. *See Participating Transmission Owners Administrative Comm.*, 127 FERC ¶ 61,053, at P13.

<sup>28</sup> *Id.* P 87.

Cross-Sound Cable is a single path and so there are only two possible points associated with transmission service over the Cross-Sound Cable making scenarios for redirects very limited. Because Section 8 of Schedule 18 of the ISO-NE OATT provides for the process and conditions for changing the point(s) of receipt and point(s) of delivery of transmission service over the Cross-Sound Cable, Cross-Sound Cable requests waiver of those WEQ Standards in order to avoid customer confusion. Since the Cross-Sound Cable is a single path that does not provide for alternate points of receipt and delivery, the requested waiver is granted.

29. Cross-Sound Cable also requests partial waiver of WEQ-004 as it applies to Schedule 18 MTF Service. Cross-Sound Cable has no authority for matters affecting the identification, quantification or approval of net interchange transactions as contemplated by WEQ-004 and therefore does not qualify to be an Approval Entity, as that definition is used in WEQ-004. However, the appendices of WEQ-004 contain responsibilities for Transmission Service Providers. For example, the appendices include actions related to e-tags, and Cross-Sound Cable maintains responsibility for those e-tag actions. Therefore, Cross-Sound Cable requests waiver of Standard 004 as it applies to Schedule 18 MTF Service, except to the extent Cross-Sound Cable has responsibilities applicable to Transmission Service Providers as delineated in the appendices of Standard 004. Cross-Sound Cable's waiver request is granted.

30. Lastly, Cross-Sound Cable requests waiver of Standard 001-4.7.2.1 to the extent it is applicable to Schedule 18 MTF Service. Standard 001-4.7.2.1 specifies procedures that would be used for establishing prices and bidding on transmission facilities. Cross-Sound Cable states that all of its transmission capacity is subscribed on a long-term basis by the Long Island Power Authority pursuant to a Commission-approved allocation process. It further requests waiver of this standard in the event that the Long Island Power Authority does not use its entire allocated capacity. Cross-Sound Cable states that per the Commission's approval of Cross-Sound Cable's negotiated rate authority,<sup>29</sup> if the Long Island Power Authority does not use the entire transmission capacity, the capacity of the Cross-Sound Cable is released into the market and the price for that capacity is dictated by the terms of Schedule 18 of the ISO-NE OATT. For these reasons, Cross-Sound Cable's requested waiver of this standard as it applies to bidding and pricing of unused Long Island Power Authority capacity on the Cross-Sound Cable is granted.

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<sup>29</sup> *Trans Energie U.S. Ltd.*, 91 FERC ¶ 61,230 (2000).

The Commission orders:

(A) The Joint Filing Parties' requests for limited waivers are hereby granted.

(B) The separate waiver requests of New England Power, Northeast Utilities, the Unitil Companies and Cross-Sound Cable are also granted as discussed in the body of this order.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

Document Content(s)

ER11-23-000.DOC.....1-13