



**Southwest Power Pool  
REGIONAL TARIFF WORKING GROUP  
August 19, 2008  
Conference Call  
9:00 a.m. – 11:00 a.m.  
-MINUTES-**

1. SPP Staff took an action item to discuss with Wright and Talisman to determine whether the membership agreement should include the base plan funding bright line date documented or if the date requires documenting in the tariff language filing letter.
2. SPP Staff will research whether the effective date of the membership agreement should be used as the grandfather trigger date or whether it should be the date that the transmission facilities of the Nebraska Entities are included under the functional control of SPP.
3. SPP Staff will provide the FERC dockets which included the careful vetting of the tariff language for RTWG review by the August 28, 2008 meeting.



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**Agenda Item 1 – Call to Order, Introductions and Receipt of Proxies**

RTWG Chair Mr. Dennis Reed called the meeting to order at 9:00 p.m. and asked for a round of introductions. There were 23 persons in attendance via phone (Attachment 1 – Attendance).

**Agenda Item 2 – Nebraska Tariff Language Modifications**

Mr. Carl Monroe provided a brief background of the Nebraska Entities pursuit of SPP membership. Mr. Monroe stated that the purpose of this call was to review the tariff modifications (Attachment 2 – Nebraska Tariff Modifications) in preparation for tariff language approval at the August 28, 2008 RTWG meeting. The proposed tariff language is the first of two filings required for the Nebraska entities membership into SPP. SPP Staff will discuss with Wright and Talisman to determine whether the membership agreement should include the base plan funding bright line date documented or if the date requires documenting in the tariff language filing letter.

Mr. Hal Hadlin, NPPD, reviewed the draft tariff modifications: Sections 1.14a, 5.1, 5.2, 38.2, and 39a. SPP Staff will research whether the effective date of the membership agreement should be used as the grandfather trigger date or whether it should be the date that the transmission facilities of the Nebraska Entities are included under the functional control of SPP. Mr. Hadlin went on to describe that Section 39a is tariff language that has received FERC approval within the context of MISO (104 FERC 61,147) and Translink (104 FERC 61,148). Mr. Gene Anderson raised a concern that Section 39a should not be included in the tariff as this issue is a state / federal issue and the SPP OATT should not involve itself in such a matter. SPP Staff will provide the FERC dockets which included the careful vetting of the tariff language for RTWG review by the August 28, 2008 meeting.

**Agenda Item 3 – Future Meetings**

The times and places for future meetings have been established as follows:

- August 28, 2008 – Dallas – AEP Offices
- September 25, 2008 – Dallas – AEP Offices
- October 23, 2008 – Dallas – AEP Offices

**Agenda Item 4 – Adjournment**

Mr. Dennis Reed adjourned the meeting at 11:00 a.m.

Respectfully Submitted-

Gerrud A. Wallaert

**Regional Tariff Working Group Meeting**  
August 19, 2008

<b>Last Name</b>	<b>First Name</b>	<b>Company</b>	<b>Email</b>	<b>Attend</b>
Alexander	Tony	Southwest Power Pool	talexander@spp.org	
Anderson	Gene	OMPA	geneaenr@ecewb.com	X
Atwood	Jason	Kelson Energy	Jason.Atwood@kelsonenergy.com	
Bourne	Patrick	Southwest Power Pool	pbourne@spp.org	X
Bowser	Robert	Kansas Electric Power Cooperative	rbowser@kepco.org	
Braun	Susan	Aquila	Susan.braun@aquila.com	
Brian	David	East Texas Cooperatives	David.brian@gdsassociates.com	
Brown	Seth	ETEC		
Caspary	Jay	SPP	Jcaspary@spp.org	
Collins	Jessica	Xcel Energy		
Cripps	Matthew	Cleco Power, LLC	Matthew.cripps@cleco.com	
D'Alessandro	Dave	Stinson Morrison Hecker, LLP	dwalessandro@stinsonmoheck.com	X
D'Antuono	Michelle	Occidental	Michelle_dantuono@oxy.com	
Davis	Emily	SPP	edavis@spp.org	
Debaun	Tom	KCC		
Dillahunt	Les	Southwest Power Pool	ldillahunt@spp.org	X
Easton	Angela	Calpine Energy Services, L.P.	eastona@calpine.com	X
Eeg	Justin	Tenaska		
Emery	Beth	Sunflower / MKEC	bemery@trpsalaw.com	
Ferry	Steve	Sunflower Electric Power Corp.	sferry@sunflower.net	X
Foreman	Mark	Tenaska		
Fox	Kip	AEP	kfox@aep.com	
Gary	Ronald	Lafayette Utilities System	rwgary@lus.org	X
Grace	Gene	AWEA	ggrace@awea.org	
Hadlin	Harold	NPPD		X
Harvey	John	John Deere Wind Energy	HarveyJohnA@JohnDeere.com	
Hewitt	Douglas	KCPL	Doug.hewitt@kcpl.com	
Holloway	Larry	KCC	l.holloway@kcc.state.ks.us	
Hossain	Shah	Westar Energy, Inc	shah.hossain@westarenergy.com	
Jannsen	Bruse	KMEA	bruse@kmea.com	
Janssen	Rob	Redbud Energy	Rob.janssen@kelsonenergy.com	
Kays	David	Oklahoma Gas & Electric	kaysdl@oge.com	X
Kelly	Patti	Southwest Power Pool	pkelli@spp.org	X
Kozlowski	Pamela	Gestalt, LLC	pkozlowski@gestalt-llc.com	
Langthorn	Jake	OGE	langthjs@oge.com	X
Leopold	Brett	ITC Great Plains	bleopold@itctransco.com	X
Linton	David	David C. Linton, LLC	gjinton@charter.net	
Liu	Bernard	Xcel Energy	Bernard.liu@xcelenergy.com	
Locke	Charles	Kansas City Power & Light Company	charles.locke@me00.kcpl.com	X

Last Name	First Name	Company	Email	Attend
Malone	Paul	NPPD	phmalon@nppd.com	X
McKinnie	Adam	Missouri PSC	Adam.mckinnie@psc.mo.gov	
Meyer	Greg	Missouri PSC	greg.meyer@psc.mo.gov	
Meyer	Alan	ITC Great Plains		
Mills	John	SPP	jmills@spp.org	
Monroe	Carl	Southwest Power Pool	cmonroe@spp.org	X
Myers	Alan	ITC Great Plains	amyers@itcgreatplains.com	
Newell	Gary	LAFA Counsel		X
Patel	Purvi	ITC Great Plains	ppatel@itctransco.com	
Pennybaker	Robert	American Electric Power	rlpennybaker@aep.com	X
Proctor	Mike	Missouri PSC	Mike.Proctor@psc.mo.gov	
Redden	Ronda	Oklahoma Gas & Electric	reddearl@OGE.COM	
Reed	Dennis	Westar Energy	dennis.l.reed@westarenergy.com	X
Reed	Wendy	Wright and Talisman	reed@wrightlaw.com	
Rew	Bruce	SPP	brew@spp.org	
Rome	Aaron	Midwest Energy	arome@mwenergy.com	
Ross	Richard	American Electric Power	rross@aep.com	
Rossi	Mark	Accenture		
Russell	Joe	AEP		
Savoy	Clint	SPP	csavoy@spp.org	
Segers	Matt	Wright and Talisman	segers@wrightlaw.com	
Shields	Robert	Arkansas Electric Cooperative Corporation	rshields@aecc.com	
Shumate	Walt	Shumate & Associates	wshumate@ix.netcom.com	
Smith	Anna	Southwestern Power Administration	anna.smith@swpa.gov	
Soles	Tim	Occidental Energy Ventures Corp	Tim_soles@oxy.com	
Spector	Bary	Wright and Talisman		X
Stephens	John	SPRM	John.Stephens@cityutilities.net	
Stewart	Tracey	Southwestern Power Administration	Tracey.stewart@swpa.gov	
Sundman	Roy	Training and Support Services, Inc.	rdsundman@comcast.net	
Tharp	Ronnie	Western Farmers Electric Cooperative	r_tharp@wfec.com	X
Useldinger	Jim	Kansas City Power & Light Company	jim.useldinger@kcpl.com	
Wagner	Nicole	Southwest Power Pool	jwagner@spp.org	X
Walker	Richard	Sustainable Energy Strategies, Inc		
Walker	Robert	Cargill	Robert_walker@cargill.com	
Wallaert	Gerrud	Southwest Power Pool	gwallaert@spp.org	X
Warren	Bary	Empire District	bwarren@empiredistrict.com	
Williams	Mitchell	Western Farmers EC	M_williams@wfec.com	X
Wise	Michael	Golden Spread Electric Coop	mwise@gsec.coop	
Womack	Jimmy	SPP	jwomack@spp.org	

<b>Last Name</b>	<b>First Name</b>	<b>Company</b>	<b>Email</b>	<b>Attend</b>
Wrenbeck	Thomas	ITC Great Plains	twrenbeck@itctransco.com	

## **Nebraska Entities Proposed SPP Tariff Modifications**

[highlights indicate proposed revisions]

### **Section 1.14a Grandfathered Agreements or Transactions**

Insert the following:

**Grandfathered Agreements or Transactions:** Grandfathered Agreements or Transactions include (1) agreements providing long term firm transmission service executed prior to April 1, 1999, or the effective date of Member's membership in SPP, whichever is later, and Network Integration Transmission Service executed prior to February 1, 2000, or the effective date of Member's membership in SPP, whichever is later; (2) bundled wholesale contracts (that reserve transmission as part of the contract); (3) short-term firm and non-firm point-to-point transmission transactions which were accepted and confirmed prior to the Effective Date, or the effective date of Member's membership in SPP, whichever is later; (4) existing or new contracts entered into by the Southwestern Power Administration on behalf of the United States for the use of transmission facilities of the Southwestern Power Administration that are constructed or acquired by purchase or other agreement, as authorized under Section 5 of the Flood Control Act of 1944, for the transmission of Federal Power; (5) contracts executed before the Effective Date, regardless of term, entered into by the Southwestern Power Administration on behalf of the United States for the transmission of power or energy across transmission facilities owned and operated by the Southwestern Power Administration; (6) existing contracts entered into by a Member which is a Nebraska public-power entity with any retail or wholesale electric utility customer that has a right under state law to obtain electric transmission service or energy service from such Member; and (7) new contracts entered into by a Member which is a Nebraska public-power entity with any retail or wholesale electric utility customer that has a right under state law to obtain electric transmission service or energy service from the such Member to the extent that provision of service under the SPP OATT would not satisfy such Member's obligation under state law. These agreements are set forth on the list which is Attachment W to this Tariff. Umbrella service agreements are specifically not Grandfathered.

### **Section 5.1 and Section 5.2**

Insert the following:

**5.1 Transmission Owners That Own Facilities Financed by Local Furnishing or Other Tax-Exempt Bonds or that are Tax Exempt Entities:** This provision is applicable only to Transmission Owners that have financed facilities for the local furnishing of electric energy with tax-exempt bonds, as described in Section 142(f) of the Internal Revenue Code ("local furnishing bonds") or facilities with other bonds the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code

("other tax-exempt bonds"), or that are tax-exempt entities, described in Section 501(c) of the Internal Revenue Code. Notwithstanding any other provision of this Tariff, the Transmission Provider shall not be required to provide transmission service to any Eligible Customer pursuant to this Tariff if the provision of such transmission service would jeopardize the tax-exempt status of any local furnishing bond(s) or other tax-exempt bonds used to finance a Transmission Owner's facilities that would be used in providing such transmission service or would jeopardize the tax-exempt status of the tax-exempt entity.

## **5.2 Alternative Procedures for Requesting Transmission Service:**

- (i) If the Transmission Provider determines that the provision of transmission service requested by an Eligible Customer would jeopardize the tax-exempt status of any local furnishing bond(s) or other tax-exempt bonds used to finance a Transmission Owner's facilities that would be used in providing such transmission service or would jeopardize the tax-exempt status of the Transmission Owner, the Transmission Provider shall advise the Eligible Customer within thirty (30) days of receipt of the Completed Application.
- (ii) If the Eligible Customer thereafter renews its request for the same transmission service referred to in (i) by tendering an application under Section 211 of the Federal Power Act, the Transmission Provider and the relevant Transmission Owner, within ten (10) days of receiving a copy of the Section 211 application, will waive any rights to a request for service under Section 213(a) of the Federal Power Act and to the issuance of a proposed order under Section 212(c) of the Federal Power Act. The Commission, upon receipt of the Transmission Provider's and/or Transmission Owner's waiver of rights to a request for service under Section 213(a) of the Federal Power Act and to the issuance of a proposed order under Section 212(c) of the Federal Power Act, shall issue an order under Section 211 of the Federal Power Act. Upon issuance of the order under Section 211 of the Federal Power Act, the Transmission Provider shall be required to provide the requested transmission service over the affected Transmission Owner's facilities in accordance with the terms and conditions of this Tariff.

### **Insert as Section 39a in Part IV of SPP Tariff**

#### **39a Subject to State Laws and Regulations and Public Power Rate Schedules**

The participation in this Tariff by a Transmission Owner that is not a public utility under the Federal Power Act, but rather is a public-power entity, is subject in all respects to the laws and regulations of the state of its creation and to rate schedules adopted by its governing board under state law. The Commission has exclusive jurisdiction to interpret the provisions of this Tariff and how the provisions apply to such public-power entity(ies).

However, in the event that the governing board of such public-power entity(ies), subject to state court review, determines that a conflict exists between the applicable state law,



regulations, or rate schedules, and provisions of this Tariff as interpreted by the Commission, such state law, regulations, or rate schedules shall govern with respect to the application of this Tariff to such public power entity(ies). Should the governing board of such public-power entity(ies) determine that such a conflict exists, the public-power entity(ies) must file, with the Commission, such necessary documents notifying the Commission of the governing board determination of such a conflict and explaining both the conflict (including what state law, regulations, or rate schedules, and what Tariff provisions are at issue) and what actions the governing board is taking in response to that determination.

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