

UNITED STATES OF AMERICA 99 FERC ¶ 61,092
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
William L. Massey, Linda Breathitt,
And Nora Mead Brownell.

State-Federal Regional RTO Panels	Docket No. RT02-2-002
RTO Informational Filings, <i>et al.</i>	Docket No. RT01-1-002
Allegheny Electric Cooperative, Inc.	Docket No. RT01-2-004
Allegheny Power	Docket No. RT01-10-003
Duquesne Light Company	Docket No. RT01-13-002
Avista Corporation, <i>et al.</i>	Docket No. RT01-15-004
Southwest Power Pool, Inc.	Docket No. RT01-34-006
Avista Corporation, <i>et al.</i>	Docket No. RT01-35-006
Arizona Public Service Company, <i>et al.</i>	Docket No. RT01-44-003
GridFlorida LLC, <i>et al.</i>	Docket No. RT01-67-005
GridSouth Transco L.L.C.	Docket No. RT01-74-007
Entergy Services, Inc., <i>et al.</i>	Docket No. RT01-75-007
Southern Company Services, Inc.	Docket No. RT01-77-004
San Diego Gas & Electric Company	Docket No. RT01-82-002
Pacific Gas & Electric Company	Docket No. RT01-83-002
California ISO Corporation	Docket No. RT01-85-008
New England Transmission Owners	Docket No. RT01-86-003

Docket No. RT02-2-002, *et al.*

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Midwest ISO

Docket No. RT01-87-007

Ameren (Alliance Companies)

Docket No. RT01-88-017

Citizens Communication Company

Docket No. RT01-89-002

Concord Electric Company

Docket No. RT01-90-002

Southern California Edison Company

Docket No. RT01-92-002

California Power Exchange Corporation

Docket No. RT01-93-002

NSTAR Services Company

Docket No. RT01-94-003

New York Independent System Operator, Inc.

Docket No. RT01-95-003

Alliant Energy Corporate Services, Inc., *et al.*

Docket No. RT01-96-002

PJM Interconnection, L.L.C.

Docket No. RT01-98-006

Regional Transmission Organizations

Docket No. RM99-2-004

Open Access Same Time Information System Phase II Docket No. RM00-10-002

Alliance Companies

Docket No. ER99-3144-020

American Electric Power Service Company

Docket No. EC99-80-020

Regional Transmission Organizations

Docket No. RT01-99-004

Regional Transmission Organizations

Docket No. RT01-100-003

Arizona Public Service Company, *et al.*

Docket No. RT02-1-002

National Grid USA

Docket No. EL01-80-004

Dayton Power and Light Company

Docket No. RT01-37-004

Illinois Power Company

Docket No. RT01-84-004

Docket No. RT02-2-002, *et al.*

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Northern Indiana Public Service Company

Docket No. RT01-26-004

Illinois Power Company

Docket No. ER01-123-008

American Electric Power Company

Docket No. ER01-2995-003

Virginia Electric and Power Company

Docket No. ER01-2993-003

Illinois Power Company

Docket No. ER01-2999-003

Dayton Power and Light Company

Docket No. ER01-2997-003

Commonwealth Edison Company

Docket No. ER01-2992-003

International Transmission Company
and DTE Energy Company

Docket Nos. ER01-3000-005,
RT01-101-005, EC01-146-005

International Transmission Company

Docket No. ER00-3295-005

DTE Energy Company and
International Transmission Company

Docket No. EC01-137-002

Montana-Dakota Utilities Company
Midwest Independent System
Operator, Inc.

Docket No. EL01-116-002

Docket No. ER02-108-005

Regulations Governing Off-the-Record
Communications

Docket No. RM98-1-004

(Not Consolidated)

ORDER AMENDING PRIOR ORDER

(Issued April 25, 2002)

On November 9, 2001, the Commission issued an order announcing the establishment of State-Federal Regional Panels to address RTO issues, modifying the

application of Rule 2201¹ in the captioned dockets, and clarifying Order No. 607² (November 9 Order).³ Since that time, the Commission has held eight State-Federal Regional Panels under the authority of the November 9 Order, and has scheduled seven more panels in the near future.⁴ The Commission's experience to date is that its goal in making the panel discussions exempt communications for the purposes of Rule 2201 – improved dialog with the states on important matters of mutual concern – is largely being achieved, and the Commission is optimistic that future panels will continue to further that goal. The Commission has found, however, that limiting the coverage of the November 9 Order to the state regulatory commissions in the United States has inadvertently prevented comparable Canadian provincial and national agencies and Mexican state and Federal agencies from participating in the panel discussions.⁵ The

¹ 18 C.F.R. § 385.2201 (2001)(the Commission's *ex parte* rule).

² Regulations Governing Off-the-Record Communications, Order No. 607, FERC Stats. & Regs., Regulations Preambles ¶ 31,079 (1999); *order on reh'g*, Order No. 607-A, FERC Stats. & Regs., Regulations Preambles ¶ 31,112 (2000).

³ *Order Announcing the Establishment of State-Federal Regional Panels to Address RTO Issues, Modifying the Application of Rule 2201 in the Captioned Dockets, and Clarifying Order No. 607*, 97 FERC ¶ 61,182 (2001), *order on reh'g*, 98 FERC ¶ 61,309 (2002).

⁴ To date, the Commission has held the following panel discussions in person or by telephone: Midwest Regional Panel (November 27, 2001), Northeast Regional Panel (January 9, 2002), Southeast Regional Panel (February 15, 2002), Midwest Meeting on RTO Cost Benefit Analysis (March 13, 2002), Southeast Meeting on RTO Cost Benefit Analysis (March 13, 2002), Northeast Meeting on RTO Cost Benefit Analysis (March 15, 2002), Western Meeting on RTO Cost Benefit Analysis (March 15, 2002), and Carolina Regional Panel (April 22, 2002). The following panel discussions are scheduled for the near future: Western Regional Panel (April 30, 2002), New England Regional Panel (May 23, 2002), Southeastern Regional Roundtable (June 3, 2002), Western Regional Panel (June 12, 2002), New England Regional Panel (June 19, 2002), Midwest Regional Panel (June 25, 2002), and Mid-Atlantic Regional Panel (July 2, 2002).

⁵ For example, the New York ISO, ISO New England, and the Ontario Independent Electricity Market Operator, which is under the direction of the Ontario Ministry of Energy, Science, and Technology, have been discussing the formation of a
(continued...)

Commission believes that the panel discussions would be enhanced by these agencies' participation.

Under these circumstances, the Commission amends the November 9 order to extend its decision to consider otherwise prohibited off-the-record communications as exempt off-the-record communications as follows. Communications with Canadian provincial and national agencies and Mexican state and Federal agencies with regulatory authority comparable to American state regulatory agencies with a stake in the outcome of the Commission's RTO proceedings will be considered exempt off-the-record communications, even if those other agencies are parties to specific RTO proceedings.

The Commission orders:

The November 9 order is amended as discussed in the body of this order.

By the Commission.

(S E A L)

Linwood A. Watson, Jr.,
Deputy Secretary.

⁵(...continued)

Northeast RTO. Also, BC Hydro is involved in the efforts to form RTO West, which has a Membership Class that includes provincial as well as state regulatory authorities.