



The RTOs have been participating in a Market Flow Threshold Field Test since June 1, 2007, the objective of which is to determine a Market Flow threshold that will allow the three markets to meet their relief obligations assigned under the Eastern Interconnection's Transmission Loading Relief ("TLR") procedure, a procedure established under North American Electric Reliability Corporation ("NERC") mandatory electric reliability standard IRO-006-003.<sup>3</sup> In the instant proceeding due to limited sample size the RTOs recommend that the Market Flow Threshold Field Test be extended beyond October 31, 2008. The RTOs seek waiver of the Commission's prior notice requirements to permit the proposed revisions to become effective on October 31, 2008.

The RTOs suggest that the NERC TLR Standards Drafting Team is responsible for the field test and for recommending any changes that will be made to the regional differences that appear in the NAESB Transmission Loading Relief- Eastern Interconnection Business Practices (WEQ-008) upon the conclusion of the field test. However, it is not yet clear what the NERC TLR team will address versus what NAESB will address. Therefore it is unclear how this proceeding will impact or determine the roles and responsibilities of NERC and NAESB and the future determination of TLR procedures in the Eastern Interconnect.

EPSA is the national trade association representing competitive power suppliers, including generators and marketers. These suppliers, who account for 40 percent of the installed generating capacity in the United States, provide

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<sup>3</sup> IRO stands for Interconnection Reliability Operations and Coordination.

reliable and competitively priced electricity from environmentally responsible facilities serving global power markets. EPSA seeks to bring the benefits of competition to all power customers. EPSA's members are significant market participants in PJM, SPP and MISO and as such have many generating facilities in, and move large volumes of power throughout, the Eastern Interconnect. Consequently, TLR tests and possible resulting changes in NERC or NAESB processes can significantly impact EPSA members. Therefore EPSA's interests in this proceeding cannot be adequately represented by any other party.

## **II. COMMUNICATIONS**

All pleadings, correspondence and other communications concerning this proceeding should be directed to:

Nancy E. Bagot, Vice President of Regulatory Policy  
Jack Cashin, Director of Regulatory Affairs  
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## **III. MOTION TO INTERVENE OUT-OF-TIME**

EPSA became aware of the instant proceeding from participation with the NAESB Business Practice Subcommittee (BPS) which held a joint meeting with the NERC TLR Standard Drafting Team. What appears on its face to be a simple request for continuation of tests for specific RTOs could have much greater implications on Eastern Interconnect operations for national competitive suppliers. It is not clear how, when and by whom the test results will be interpreted and used in resulting FERC, NERC and NAESB processes. As a

result, EPSA has a direct and substantial interest in the instant proceeding that cannot be adequately represented by any other party. Allowing EPSA to actively participate in this proceeding would be in the public interest there will be no disruption of the proceeding resulting from permitting intervention at this time. Nor will there be any prejudice to or additional burdens upon existing parties to this newly established docket. EPSA respectfully requests that the Commission grant this motion to intervene out-of-time.

#### **IV. CONCLUSION**

Wherefore, EPSA respectfully request that the Commission grant their motion to intervene out-of-time and address issues related to SPP, PJM and MISO further testing of TLRs in the Eastern Interconnect.

Respectfully submitted,



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December 15, 2008

## CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the comments via email upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C., December 15, 2008.

A handwritten signature in black ink, appearing to read "Nancy Bagot", is centered on the page.

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Nancy Bagot, VP of Reg. Policy