

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

PacifiCorp
Docket No. ER05-643-000
April 4, 2005

Troutman Sanders, LLP
410 Ninth Street, N.W.
Washington, D.C. 20004-2134

Attention: Amie V. Colby, Esquire

Reference: Interconnection Agreement

Dear Ms. Colby:

On February 24, 2005, you submitted, on behalf of PacifiCorp, an interconnection agreement between Uinta County Wind Farm, LLC (Uinta) and PacifiCorp (Interconnection Agreement). In the same submittal, you filed a notice cancellation of the Interconnection Agreement between Uinta and PacifiCorp. Waiver of the notice requirements under Section 35.11 of the Commission's regulations is denied and the Interconnection Agreement and the notice of cancellation are accepted for filing effective April 25, 2005.

Specifically, the Interconnection Agreement sets forth for the terms and conditions governing the interconnection of the Uinta's wind generating facility with PacifiCorp's transmission system. You state that PacifiCorp inadvertently failed to file the Interconnection Agreement consistent with the Commission's prior notice requirements. Additionally, you add that pursuant to section 35.19a of the Commission's regulations, PacifiCorp has already refunded to Uinta the time value of money for revenues collected under the Interconnection Agreement.

The Commission has determined that waiver of the notice requirements will be granted for service agreements as long as the agreements are filed within 30 days after service commences.¹ As acknowledged above, the Interconnection Agreement does not

¹ *Central Hudson Gas and Electric Company, et al.*, 60 FERC ¶ 61,106, *reh'g denied*, 61 FERC ¶ 61,089 (1992), and *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, *clarified* 65 FERC ¶ 61,081 (1993) (*Waiver Orders*).

meet the criteria for waiver of the Commission's notice requirement and to the extent that PacifiCorp charged rates for service prior to the effective date granted herein, PacifiCorp must refund the time value of the revenues actually collected for the time period the rate was charged without Commission authorization.²

Additionally, you state that the Interconnection Agreement is not in compliance with the Commission's *Standardization of Large Generator Interconnection Agreements and Procedures*,³ and, thus, have filed a notice of cancellation of the Interconnection Agreement. You state that FPL Energy Wyoming, LLC (Uinta's successor in interest) and PacifiCorp have entered into a new agreement that complies with the LGIA and LGIP.

This filing was noticed on March 1, 2005, with comments, protests, or interventions due on or before March 17, 2005. No protests or adverse comments were received. Notices of intervention and unopposed timely filed motions to intervene are granted pursuant to the operation of Rule 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214). Any opposed or untimely filed motion to intervene is governed by the provisions of Rule 214.

This acceptance for filing shall not be construed as constituting approval of the referenced filing or of any rate, charge, classification or any rule, regulation or practice affecting such rate or service contained in your tariff; nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation associated therewith; and such acceptance is without prejudice to any findings or orders which have been or any which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against PacifiCorp.

² *Waiver Orders, Idaho Power Company*, 95 FERC ¶ 61,482 (2001), *American Electric Power Service Corporation*, 93 FERC ¶ 61,151, *reh'g denied*, 95 FERC ¶61,012 (2001).

³ FERC Stats. & Reg. ¶ 31,146 (2004) (LGIA and LGIP).

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This action is taken pursuant to the authority delegated to the Director, Division of Tariffs and Market Development -West under 18 C.F.R. § 375.307. This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Sincerely,

Jamie L. Simler, Director
Division of Tariffs and Market
Development - West