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October 11, 2012

Via eTariff
Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Re: **Duke Energy Carolinas, LLC and Carolina Power & Light Company, Docket No. ER13-___-000**

Dear Secretary Bose:

In compliance with the Commission's Order No. 1000[1] and Section 206 of the Federal Power Act ("FPA"), Duke Energy Carolinas, LLC ("DEC") and Carolina Power & Light Company, d/b/a Progress Energy Carolinas ("PEC"), (collectively, the "Filing Parties") tender for filing their compliance filing. The Filing Parties, together with Alcoa Power Generating Inc. ("Yadkin"[2]) (collectively, "the NCTPC TPs") will comprise the initial public utilities transmission providers enrolled in the North Carolina Transmission Planning Collaborative process ("NCTPC Process"). The Filing Parties share a single open access transmission tariff ("OATT") and their transmission planning process is found in Attachment N-1. Yadkin will separately submit changes to Attachment K to its OATT, which Attachment will adopt and concur in the NCTPC Process set forth in the Filing Parties' Attachment N-1.

[1] *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, FERC Stats. & Regs. ¶ 31,323 (2011) ("Order No. 1000" or "Final Rule"), *on reh'g and clarification*, Order No. 1000-A 139 FERC ¶ 61,132 (2012) ("Order No. 1000-A"), *reh'g and appeal pending.*

[2] Alcoa Power Generating Inc. historically owned two sets of electric facilities in the Southeast, referred to commonly as the Tapoco and Yadkin Divisions. BAIF U.S. Renewable Power Holdings LLC has received approval to purchase the Tapoco Division. The closing has not occurred but will certainly occur before the OATT provisions being submitted today by the NCTPC TPs take effect.

This compliance filing contains the parts listed immediately below:

- Clean Tariff; and
- Marked Tariff.

I. COMMUNICATIONS & SERVICE

The Filing Parties are serving an electronic copy of this filing on all of their OATT customers by email as well as on their state commissions. The filing will be posted on the Filing Parties' websites.

The Filing Parties request that questions or other communications with them regarding this filing be addressed to them by contacting them by phone or email.

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II. THE NCTPC REGION IS AN APPROPRIATE REGION

Appendix C to Order No. 1000 provides that a transmission provider "shall participate in a regional transmission planning process through which transmission facilities and non-transmission alternatives may be proposed and evaluated." The NCTPC TPs have selected the NCTCP Process to meet this requirement. The "NCTPC Region," the region defined as the combined footprints of the NCTPC TPs, has an appropriate size and scope.

A. Background

Several years prior to Order No. 890,[3] the Filing Parties helped create a transmission planning structure that was unusual among vertically-integrated utilities and their load-serving network customers. Specifically, since 2005, the Filing Parties have been participants in the NCTPC Process. The NCTPC was formed by the following load serving entities ("LSEs") in the State of North Carolina: DEC, PEC, ElectriCities of

[3] *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. ¶ 31,241 (2007) ("Order No. 890"), *order on reh'g*, Order No. 890-A, 121 FERC ¶ 61,261 (2008) ("Order No. 890-A"), *order on reh'g*, Order No. 890-B, 123 FERC ¶ 61,299 (2008), *order on reh'g*, Order No. 890-C, 126 FERC ¶ 61,228 (2009), *order on clarification*, Order No. 890-D, 129 FERC ¶ 61,126 (2009).

North Carolina ("ElectriCities"), and the North Carolina Electric Membership Corporation ("NCEMC") (collectively, "NCTPC Participants").

The NCTPC itself is a collaboration of *both* transmission providers and LSEs that serve almost all of the retail load in the relevant region. It was formed with backing from the state of North Carolina, but it was intended to plan for the DEC and PEC transmission systems, both of which systems have facilities in South Carolina as well. The NCTPC is a collaboration of transmission/power delivery personnel, not those engaged in the merchant function. Indeed, those persons who serve on the NCTPC's Oversight/Steering Committee ("OSC") and Planning Working Group ("PWG") are expected to have high levels of technical knowledge regarding planning. The NCTPC Process includes a stakeholder group – the Transmission Advisory Group ("TAG").

With the adoption of Order No. 890, the Filing Parties determined that they could use the NCTPC Process as the foundation for meeting their compliance obligations. The NCTPC Process was memorialized in the Filing Parties' OATTs in order to comply with Order No. 890. In this filing, the Filing Parties went well beyond the local planning requirements imposed by Order No. 890[4] by filing a process that included regional transmission planning and produced a regional transmission plan.

Because Yadkin was largely a market participant (i.e., its primary business was marketing wholesale energy and it served minimal retail load in the region), it was not asked to be an NCTPC Participant.[5] Yadkin thus complied with Order No. 890 as a stand-alone transmission provider. Yadkin fulfilled its regional coordination obligation through its participation in various SERC Reliability Corporation ("SERC"), Virginia-Carolinas subregion ("VACAR"), and Eastern Interconnection Reliability Assessment Group activities.

The adoption of Order No. 1000 required each public utility transmission provider to ensure that it was a member of a region for transmission planning purposes. Because the Filing Parties already were part of a regional planning process that also met the nine local planning principles of Order No. 890, i.e., the NCTPC Process, they naturally

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[4] *See* Order No. 1000 at P 151 n.142 (noting that "the explicit requirement for a public utility transmission provider to participate in a regional transmission planning process that complies with the Order No. 890 transmission planning principles identified above **is new**") (emphasis added).

[5] Yadkin owns four hydroelectric generating plants with a total capacity of 209 MW and approximately 18 miles of 100 kV transmission lines. Yadkin's load consists of a single customer, an Alcoa production facility located in Badin, North Carolina with a typical peak demand under 5 MW. As a comparison, NCEMC's peak load is more than 3,000 MW.

gravitated to enhancing that process to meet the additional requirements of Order No. 1000. During the course of the NCTPC stakeholder process, Yadkin inquired about enrolling in the NCTPC Process, as it needed to be part of a region. Yadkin met the criteria for enrollment that were being developed (which are described below), so it too is now an enrolled transmission provider in the NCTPC Region.

B. The NCTPC Meets the Order No. 1000 Requirements

As to the scope of a region, Order No. 1000 stated:

> a transmission planning region is one in which public utility transmission providers, in consultation with stakeholders and affected states, have agreed to participate in for purposes of regional transmission planning and development of a single regional transmission plan. As the Commission explained in Order No. 890, the scope of a transmission planning region should be governed by the integrated nature of the regional power grid and the particular reliability and resource issues affecting individual regions. We note that every public utility transmission provider has already included itself in a region for purposes of complying with Order No. 890's regional participation transmission planning principle. We will not prescribe in this Final Rule the geographic scope of any transmission planning region. We believe that these existing regional processes should provide some guidance to public utility transmission providers in formulating transmission planning regions for purposes of complying with this Final Rule. However, to the extent necessary, we clarify that an individual public utility transmission provider cannot, by itself, satisfy the regional transmission planning requirements of either Order No. 890 or this Final Rule.

Order No. 1000 at P 160 (internal citation omitted). The NCTPC meets the relevant requirements.

In Order No. 1000, FERC recognized that some regional transmission planning processes were created in non-RTO/ISO regions as a result of Order No. 890. Indeed, the Commission mentioned the NCTPC as such a regional planning process. *Id*. at P 21 n.16. Thus, with the adoption of Order No. 1000, the Filing Parties saw no need to abandon the NCTPC Process, which had served the region well since 2005, as that process had already been acknowledged as a region. The Filing Parties understood that "the existing regional transmission planning processes that many utilities relied upon to comply with the requirements of Order No. 890 may require only modest changes to fully comply with these Final Rule requirements." Order No. 1000 at P 151 n.142.

The recognition of the NCTPC as a region is widely supported by both the relevant states and stakeholders. The transmission facilities in the region are integrated with one another and will become even more so as a result of certain merger-related improvements. The transmission providers in the NCTPC Region face similar reliability and resource issues. The NCTPC TPs' facilities are located in states that are relatively similar as regards to access and proximity to resources needed for electricity generation. The region is not one that has restructured its utilities, so they remain vertically-integrated. Retail choice and/or RTO membership appear to be highly unlikely possibilities in the near-term in the region.

1. DEC and PEC Are Individual Transmission Providers

The only minimum requirement for a region is that it consist of more than one "public utility transmission provider." Although the addition of Yadkin to the NCTPC Region means that even if were the Commission to treat DEC and PEC as a single transmission provider, the region still meets the minimum legal threshold, the legal threshold would be met even without the addition of Yadkin. The ultimate parent companies of DEC and PEC merged on July 2, 2012, but the two entities remain separate transmission providers and separate public utilities.

The fact that DEC and PEC are legally two separate public utility transmission providers is supported by overwhelming evidence. The starting point for the analysis is the definition of the term "transmission provider." That term is defined in the Commission's regulations as a "public utility that owns, operates, or controls facilities used for the transmission of electric energy in interstate commerce." 18 C.F.R. § 37.3(a). DEC and PEC (i.e., CP&L) each meet that legal definition. The Joint OATT defines Transmission Provider as follows in Section 1.64:

> The public utility (or its Designated Agent) that owns, controls, or operates facilities used for the transmission of electric energy in interstate commerce and provides transmission service under the Tariff as follows: (a) CP&L is the Transmission Provider in the CP&L Zone; (b) FPC is the Transmission Provider in the FPC Zone; and (c) DEC is the Transmission Provider in the DEC Zone.

The Commission has accepted this OATT definition that plainly provides that the three listed companies are each transmission providers. Other "evidence" that the two companies are individual public utilities include that they:

- have separate Company IDs;
- have separate NERC registrations;
- operate separate Balancing Authority Areas;
- have separate OASIS sites;
- file separate Form 1s;
- file myriad other FERC forms separately; and
- treat each other as separate companies for interlocking director purposes.

This is just a small list of indicators that DEC and PEC currently remain separate transmission providers. Additionally, the Filing Parties would note that their approach to the provision of transmission service is not similar to some other corporate families where a service company provides transmission service over the entire footprint of a family of operating companies, using one OASIS, one reservation system, and under a Tariff where the term "Transmission Provider" is defined collectively. Yadkin has its own OATT and its own OASIS site as well.

2. Maintaining the NCTPC as a Region Allows the Filing Parties to Fulfill a Merger Commitment

In the course of their merger, the Filing Parties made numerous commitments, including a commitment to the continued existence of the NCTPC. For example, the DEC merger commitment to the North Carolina Municipal Power Agency Number 1 and Piedmont Municipal Power Agency (members of ElectriCities) states in relevant part:

> <u>Participation in the North Carolina Transmission Planning Collaborative</u>. Duke Energy Carolinas shall continue to participate in the North Carolina Transmission Planning Collaborative ("NCTPC") and shall amend the NCTPC Participation Agreement to state that neither Progress Energy nor Duke Energy Carolinas shall have the right to withdraw unless required by law, or by order or rule of a federal or state regulatory agency.

Joining another region would be detrimental to the interests of ElectriCities and the NCEMC. The loads of the members of NCEMC and ElectriCities are completely dependent on the Filings Parties' Transmission Systems. The two agencies represent all

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public power entities in the footprints of the Transmission Providers. Their members represent most of the Network Customers on the Filing Parties' systems and include the largest such customers.

As discussed above, ElectriCities and NCEMC are given somewhat unique roles in transmission planning through the NCTPC, particularly given that they and most (or all) of their members are not registered at NERC as Transmission Service Providers or Planning Authorities and thus are not eligible to enroll. The Filing Parties understand that these entities would like to maintain such roles. Given that the Filing Parties are not PJM members, there are only two neighboring regions that they could join – the Southeastern Regional Transmission Planning Process ("SERTP") or the South Carolina Regional Transmission Planning Process ("SCRTP"). These two regions provide no similar role for LSEs that do not act as transmission providers. Both those regions allow LSEs that do not provide transmission service to participate **only** as stakeholders, not decision-makers, with a seat at the planning table.

3. The Geographic and Electric Scope of the NCTCP Are Similar to Several Other Regions

The NCTPC TPs have formed a region of a size that will permit effective, efficient coordination at a reasonable cost. The size of the region in terms of square miles and peak load is similar in size to two other proposed regions – the New York ISO ("NYISO") and ISO-New England ("ISO-NE"). New York state is about 54,000 square miles and the NYISO has a peak load of about 33,000 MW.[6] The NCTPC Region is about 58,000 square miles and has a peak load of about 37,000 MW – larger in both respects. The ISO-NE serves an area of about 68,000 square miles and has a peak load of about 28,000 MW,[7] and is thus quite similar in size and scope to the NCTPC Region.

III. STAKEHOLDER PROCESS

In order to implement the requirement that the NCTPC TPs obtain stakeholder input on various aspects of their compliance with Order No. 1000, the NCTPC used significant portions of its quarterly TAG meetings to address Order No. 1000

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[6] New York Independent System Operator, 2012 Load & Capacity Data "Gold Book," at 11 (Apr. 2012) available at http://www.nyiso.com/public/webdocs/newsroom/planning_reports/2012_GoldBook_V3.pdf.

[7] ISO-NE CELT Report 2012-2021 Forecast Report of Capacity, Energy, Loads, and Transmission at 1.5.1 (May 1, 2012) available at http://www.iso-ne.com/trans/celt/report/2012/2012_celt_report.pdf

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implementation. Every quarterly TAG meetings starting from September 16, 2011 through September 10, 2012 addressed Order No. 1000. The NCTPC offered stakeholders an opportunity to present their views in both written and oral comments. LS Power was only entity who provided written comments on the NCTPC's compliance concepts; a representative of LS Power gave an oral presentation at the March 27, 2012 TAG meeting. A summary of the Order No. 1000 stakeholder meetings is provided below.

- September 16, 2011 – NCTPC presented a summary of the Order No. 1000 requirements.
- December 15, 2011 – NCTPC shared its initial views on major compliance concepts.
- March 27, 2012 – NCTPC shared more detail on its compliance concepts, covering additional aspects of compliance.
- June 19, 2012 – NCTPC provided a detailed strawman in advance of meeting and presented compliance concepts in detail.
- September 10, 2012 – NCTPC provided Attachment N-1 language in advance of meeting; between August 24th and September 7th, such language was revised and re-posted.

Additionally, the Filing Parties and FERC Staff held multiple telephone conferences on various subjects including regional scope, the draft strawman, and alternative approaches to cost allocation.

The Filing Parties stress that although all stakeholder voices are important, that aside from DEC and PEC, the two entities that represent virtually all public power-served load in the region are full partners in the NCTPC. The NCTPC Participants, i.e., the Filing Parties, ElectriCities, and NCEMC, held many meetings and teleconferences to discuss Order No. 1000 in addition to attending those TAG meetings discussed above. Although the NCTPC TPs ultimately have legal authority to decide what to file in their OATTs, and full agreement was not always reached among the Filing Parties and the other NCTPC Participants, such NCTPC Participants provided invaluable input during the compliance process. Although many comments received from the NCTPC Participants were accepted, as discussed below, some issues were not resolved, and comments on the filing from such NCTPC Participants are expected.

IV. ROADMAP TO CHANGES TO THE FILING PARTIES' ATTACHMENT N-1

As noted, the existing NCTPC Process is currently memorialized in Attachment N-1 of the Joint OATT of DEC and PEC. Although that process is not being altered significantly, the Filing Parties believe that a roadmap for reviewers comparing the current and new Attachment N-1 will be convenient. This Section IV provides a very high-level overview of the changes to the numbering structure of Attachment N-1, referring to the Sections as "Current" and "Proposed."

- Definitions have been added to Attachment N-1 and now constitute Proposed Section 2.
- The enrollment process is described in Proposed Section 3.
- Current Section 2, which describes the roles of various entities in the NCTPC Process, has been moved to Proposed Section 4.
- Current Section 3, which describes the communications process, has been moved to Proposed Section 5.
- Current Section 4, the Enhanced Transmission Access Planning Process, has largely been replaced with the Economic Study Process and is found in Proposed Section 6.
- Current Sections 4.3 and 5 have largely been moved to Proposed Section 7. Proposed Section 7 has been expanded to comply with various requirements of Order No. 1000.
- Proposed Sections 8-10 address a variety of issues relating to "Regional Projects," which is the NCTPC name for the Order No. 1000 concept of "regional transmission facilities selected for cost allocation."
- Current Section 6, Dispute Resolution, has been moved to Proposed Section 11.
- Current Section 7, Cost Allocation, has been eliminated because it is now largely included, although substantially revised, in Proposed Section 9.
- Current Sections 8-12 have been moved to Proposed Sections 12-16 and remain largely unchanged.

V. REQUIREMENTS FOR A REGIONAL PLANNING PROCESS

In Appendix C to Order No. 1000, which is the pro forma version of Attachment K, the Commission provides a list of twelve features that each regional planning process must include. The Appendix indicates that the description of the regional transmission planning process in the OATT should include sufficient detail to enable transmission customers to understand how each of those features are met. That Appendix also requires that seven planning principles be met by a region. In this Section V, the Filing Parties address the twelve required features in the context of the NCTPC Process. Note, however, that some of the required features overlap directly with the seven planning principles, and thus to avoid repetition, certain features are only discussed in the context of the planning principles. *See* Section VI (explaining how the NCTPC Process meets the seven planning principles).

A. "The process for enrollment in the regional transmission planning process"

Additional transmission providers are welcome to join the NCTPC Region. Proposed Section 3 of Attachment N-1 explains the eligibility for enrollment and the process for enrolling. To enroll, a transmission provider must have an OATT and be NERC-registered as a Planning Authority and a Transmission Service Provider. Enrollment purposefully is not open to any entity that merely owns transmission facilities or distribution facilities that are used for wholesale deliveries of energy. The reason for this approach is that enrollment, as directed by Order No. 1000, is for the purpose of electing to be "subject to the regional and interregional cost allocation methods for that region." Order No. 1000-A at P 275. The Filing Parties have taken an approach to cost allocation for regional transmission facilities such that costs are allocated to transmission providers that have an obligation to serve and plan for native and network load.

Lockhart Power Company, an investor-owned utility that serves a single wholesale customer over non-integrated transmission facilities under a pre-Order No. 888 arrangement, inquired about enrolling as a transmission provider. The Commission has referred to services similar to those Lockhart provides as wholesale distribution service. Lockhart does not meet the eligibility requirements; it is not a NERC-registered Transmission Owner, Transmission Operator, or Transmission Service Provider. Lockhart has no obligation to abide by NERC TPL Reliability Standards. Lockhart received waiver of the requirement to have an OATT on file. *See Lockhart Power Co.*, 120 FERC ¶ 61,036 (2007). Lockhart is a network transmission customer of DEC and thus will bear a load-ratio share of any transmission cost allocation to DEC. DEC has an OATT obligation to plan transmission for Lockhart load. Lockhart may of course fully participate in the NCTPC Process as a stakeholder, but the Commission should find that it is unnecessary for it to enroll in the NCTPC in order to comply with Order No. 1000.

In addition, Lockhart remains subject to the requirements of Order No. 890 regarding coordinated, open and transparent transmission planning and committed to participate in regional planning activities required by Order No. 890.

B. "The process for consulting with customers"

The NCTPC TPs' process for consulting with customers is discussed in the discussion of the Coordination principle *infra*.

C. "The notice procedures and anticipated frequency of meetings"

Attachment N-1, Section 5 fully describes procedures for NCTPC-related meetings and their frequency. Section 5.1.1 provides that notice of all meetings of an NCTPC component (TAG, PWG, OSC) will be by email to such component. All TAG meeting notices and agendas are posted on the NCTPC Website. Section 5.1.2 requires that information about signing up to be a TAG participant and to receive email communications be posted on the NCTPC Website. As explained in Section 5.3.3.2, the TAG generally meets four times a year. Additional meetings may occur in light of features added as a result of Order No. 1000.

D. "The methodology, criteria, and processes used to develop a transmission plan"

1. Overview of the NCTPC Approach to Transmission Planning and the Impacts of Order No. 1000

The current NCTPC approach to transmission planning is most similar to what the Commission refers to as a "bottom up, top down" approach under which "local transmission plans are developed in which individual public utility transmission providers within the region identify solutions to their own local needs prior to the 'top down' consideration of regional alternatives." Order No. 1000 at P 255. This approach, perhaps more clearly expressed as "bottom up, **then** top down approach," reflects the vertically-integrated nature of utilities in the region and respects state integrated resource planning processes.

The Commission recognized in Order No. 1000 that "the regional transmission planning process is not the vehicle by which integrated resource planning is conducted." Order No. 1000 at P 154. The Commission confirmed that Order No. 1000 "in no way involves an exercise of authority over those specific substantive matters traditionally reserved to the states, including integrated resource planning, or authority over siting, permitting, or construction of transmission solutions." *Id*. at P 156. Indeed, the Commission could not mandate top down transmission planning only – where transmission customers have to adjust their resource plans based on what transmission a central planner chooses to construct – and abide by these commitments.

Through its Order No. 890 compliance filing, the NCTPC had already added a "top down" facet to their planning process, that examined regional needs. Specifically, under the existing NCTPC Process, the NCTPC considers whether regional needs could be better met through Regional Reliability Projects or Regional Economic Transmission Paths, the costs of which would be allocated regionally. The primary changes wrought by Order No. 1000 are thus changes to the existing top down facet of planning. The bottom up aspect of planning remains largely unchanged. This approach to compliance fully abides by Order No. 1000. As the Commission explained:

> an incumbent transmission provider may meet its reliability needs or service obligations by building new transmission facilities that are located solely within its retail distribution service territory or footprint. The Final Rule continues to permit an incumbent transmission provider to meet its reliability needs or service obligations by choosing to build new transmission facilities that are located solely within its retail distribution service territory or footprint and that are not submitted for regional cost allocation.

Order No. 1000 at P 262. It reiterated that:

> in those regions relying on "bottom up" local transmission planning, a transmission facility that is in a public utility transmission provider's local transmission plan might be "rolled-up" and listed in a regional transmission plan to facilitate analysis at the regional level. However, the transmission facility from the local transmission plan might not have been proposed in the regional transmission planning process and might not have been selected in the regional transmission plan for purposes of cost allocation by going through an analysis in the regional transmission planning process.

Id. at P 318.

Order No. 1000 only requires the transmission providers to provide opportunities for non-incumbent transmission developers to build and own "regional transmission facilities" (i.e., "transmission facilities that have been selected pursuant to a transmission planning region's Commission-approved regional transmission planning process for inclusion in a regional transmission plan for purposes of cost allocation because they are more efficient or cost-effective solutions to regional transmission needs" (Order No. 1000 at P 63)). The Commission asked for clear delineations between regional transmission facilities selected for cost allocation and local transmission facilities so that it could ensure compliance.[8] The NCTPC Process provides clarity as to which projects meet the definition of regional transmission facility by defining the terms Regional Projects and Local Projects. Local Projects with an estimated cost of greater than $10 million are included in the single regional transmission plan but are not "open" to non-incumbents and do not have their costs regionally allocated.[9]

Although the NCTPC already had adopted a regional project concept, it had not previously opened those projects to development by non-incumbents. The NCTPC thus had to refine both its existing concept of regional projects and the selection process for such projects.[10] The fact that cost allocation for such Regional Projects had to meet the six pricing principles impacted the Filing Parties' proposal regarding to how to select Regional Projects. There is an extremely close inter-relationship between the cost allocation methodology applied to, and the selection methodology for, Regional Projects. Because costs of Regional Projects must be allocated based on the level of benefits received by beneficiaries, the selection process must focus on the very same benefits that are being calculated for cost allocation purposes.

Under the NCTPC's bottom up, then top down regime, the primary purpose of the "top down" facet of the planning process is to search for more cost effective solutions that meet the same needs identified through the bottom up facet of planning.[11] The Filing Parties thus decided on an approach to selecting Regional Projects that focuses on selecting projects that will enable the NCTPC TPs to avoid constructing alternative

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[8] Order No. 1000 at P 321 ("[i]n other regions emphasizing the development of local transmission plans prior to analysis at the regional level of alternative solutions, additional procedures may be required to distinguish between those transmission facilities that are proposed to be selected in the regional transmission plan for purposes of cost allocation and those that are merely 'rolled up' for other purposes").

[9] Since the inception of the NCTPC, projects with an estimated cost below $10 million were not listed in the regional plan because such projects typically relate only to service to a small subset of retail or wholesale customers.

[10] Because the existing cost allocation methodology for one form of existing regional project was participant funding, that cost allocation approach had to be eliminated.

[11] A top down look also is performed to ensure that all proposed solutions over the entire region can be adopted without causing reliability problems.

projects that would likely be more costly.[12] In a region such as the Southeast, where integrated resource planning requirements are prevalent, it is logical that Regional Projects determination of benefits is potential cost savings vis-à-vis the solutions that would otherwise be selected. This approach is logical because each LSE already is engaged in resource planning with the goals of serving its existing load on a least cost-base and identifying resources that will be used to serve load growth (including demand response). LSEs look both inside and outside of the footprint of their transmission providers for lower-cost resources.

Of course, lowest cost may not be the only goal in resource planning – fuel diversity and other factors come into play. LSEs also are required to meet any public policy requirements imposed on them, which also impacts resource decisions. The resource decisions of LSEs, which are reflected in transmission service requests for new resources and changed dispatches of existing resources, are the primary driver of new transmission investment. Thus, the bottom up facet of planning ensures that economic and public policy are always being considered in transmission planning, as FERC recognized in Order No. 1000.[13] As a result, it is highly unlikely that public policy would drive a transmission need which need has not already been accounted for in the resource planning process. As recognized by the Commission, this top down search for regional projects may well result in no such projects being identified.[14]

As discussed *infra*, the Filing Parties considered other approaches to selecting Regional Projects, but could not reconcile the competing interests of FERC's requirement that *any* cost allocation methodology had to be *ex ante* with the uncertainty as to the specific types of benefits a Regional Project might provide.[15] The failure to develop an

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[12] And, as discussed *infra*, an avoided transmission cost selection and allocation approach was adopted. Simply put, an avoided transmission cost selection approach compares the cost of the Regional Project to the costs of the projects being displaced by the Regional Project. The need for the 1.25 cost-benefit ratio also is discussed *infra*.

[13] Order No. 1000 at P 221 ("[W]e understand that a public utility transmission provider with a native load obligation may already have addressed compliance with Public Policy Requirements in developing its resource assumptions to be used in the transmission planning process. In such circumstances, the procedures used to identify transmission needs driven by Public Policy Requirements should take that into account.").

[14] Order No. 1000-A at P 190 ("we recognize that a regional transmission planning process may not identify any such [regional] transmission facilities").

[15] For example, were the Filing Parties to seek to allocate costs based on public policy benefits likely to be received, they would have to be able to define and identify the criteria used to measure possible public policy benefits and select projects based on the existence of such benefits. That is, they would have to identify the "criteria by which the public utility

(Continued…)

alternative approach to selecting Regional Projects, and allocating their costs, however, does not prevent projects that provide significant benefits, other than avoiding the construction of other projects, from being proposed and built in the NCTPC Region. Participant funding provides a robust alternative for projects that have clear economic, reliability, or public policy benefits that customers are willing to pay for.

Finally, the Filing Parties also note that they decided to propose a sponsorship model for the submission of Regional Projects, i.e., rather than having the NCTPC try to identify such projects in the first instance and issue an RFP for the Regional Project. The Commission made clear in Order No. 1000-A that sponsorship models were permitted, refusing to require a "needs first" approach to transmission planning. *See* Order No. 1000-A at P 453.

2. Description of the NCTPC Process

The Filing Parties' methodology, criteria, and process for developing their annual transmission plan, called the "Collaborative Transmission Plan," are largely unchanged with the exception of new provisions relating to the selection of Regional Projects. Some new terminology also was adopted. As already noted, the Filing Parties have eliminated the concepts of Regional Reliability Projects and Regional Economic Transmission Paths and replaced them with the concept "Regional Projects." Because the Collaborative Transmission Plan is not limited to Regional Projects, other transmission projects in the regional transmission plan are now defined as "Local Projects."[16]

Before discussing the selection process for Regional Projects in particular, this letter walks through the steps used to achieve the Collaborative Transmission Plan. These steps are also reflected on the table included in Attachment N-1, Section 7.

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transmission provider will evaluate the relative economics and effectiveness of performance for each alternative offered for consideration." Order No. 1000 at P 315. Defining such criteria, when it was unclear what public policies might come into existence, was not viewed as achievable in light of the detail Order No. 1000 required. Specifically, the Filing Parties did not believe that their alternatives would satisfy FERC's requirement that if there are different cost allocation methods for different types of transmission facilities "each method would have to be determined in advance for each type of facility." Order No. 1000 at P 560.

[16] Local Projects are those not subject to regional cost allocation. The Commission explained that regional "transmission facilities often will **not** comprise all of the transmission facilities in the regional transmission plan; rather, such transmission facilities may be a subset of the transmission facilities in the regional transmission plan. For example, such transmission facilities do not include a transmission facility in the regional transmission plan but that has not been selected in the manner described above, such as a local transmission facility or a merchant transmission facility." Order No. 1000 at P 63 (emphasis added).

The annual planning process commences with a notice to the TAG and establishment of a study work plan for the year. Att. N-1 § 7.1. One of the first steps in the process will be a new step relating to identifying public policies that may drive transmission needs, which is discussed in more detail below. Att. N-1 § 7.2. The PWG selects the study assumptions for study analysis based on direction provided by the OSC. Once the PWG identifies the study assumptions, they are reviewed with the TAG participants before the set of final assumptions are approved by the OSC and set forth in an annual *Study Scope Document*. Att. N-1 § 7.3.

The NCTPC TPs prepare the base case models which are reviewed by the PWG to ensure that they represent the study assumptions approved by the OSC. Att. N-1 § 7.3.4.[17] TAG participants also may review the base case models and provide input to the PWG with regard to whether the models represent the study assumptions approved by the OSC. The transmission providers develop the necessary change case models as required to evaluate different resource supply scenarios and economic scenarios as directed by the OSC. Such change case models will also be reviewed with the PWG to ensure that they represent the study assumptions approved by the OSC. TAG participants also may review the change case models and provide input to the PWG with regard to whether the models represent the study assumptions approved by the OSC. Att. N-1 § 7.3.5.

The PWG establishes the planning criteria by which the study results will be measured, in accordance with NERC and SERC Reliability Standards and individual transmission provider criteria. TAG participants may review and comment on the planning criteria. Att. N-1 § 7.4.1.

The most current Multi-Regional Modeling Working Group (MMWG) or SERC Long-Term Study Group model will be used for the systems external to the transmission providers as a starting point for the base case to be used by the transmission providers. The base case will include the detailed internal models for the transmission providers and will include current transmission additions planned to be in-service for given years. Att. N-1 § 7.5.1. The transmission providers collect the necessary planning data and information that are not already in their possession. Any guidelines, data formats, and schedules for any data and information exchanges will be established by the PWG. Att.

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[17] Note that throughout Section 7, various responsibilities are allocated to Transmission Providers. In many cases, Yadkin may not need to take any specific action to fulfill such responsibility. For example, in a given year, there may be no reliability issues on Yadkin's system that require any solutions to be developed. Thus, the term Transmission Providers in Attachment N-1 may refer only to a subset of the Transmission Providers in certain circumstances.

N-1 § 7.5.4. Aside from the annual submission of data by Network Customers, the timing of this data collection process is established as part of the development of the annual study work plan that is prepared by the PWG, reviewed with the TAG participants, and approved by the OSC. TAG participants may provide additional input into the data collection process (i.e., the provision of data not required to be submitted under this Tariff), such as providing information on future point-to-point transmission service scenarios.

The PWG determines the methodologies that will be used to carry out the technical analysis required for the approved studies. The PWG also determines the specific software and models that will be utilized to perform the technical analysis. The study methodology will be identified in the annual *Study Scope Document.* TAG participants may review and comment on the study methodology. Att. N-1. § 7.6.

The PWG performs the technical study analysis in accordance with the OSC approved study methodology and produces the study results. Results from the technical analysis are reported to identify transmission elements approaching their limits such that all NCTPC Participants are made aware of potential issues and appropriate steps can be identified to correct these issues, including the potential of identifying previously undetected problems. Study results are made available to the TAG participants for review and comment. Att. N-1 § 7.7.

The Transmission Providers provide the summary data identifying the reliability problems and causes resulting from their assessments and comprehensively review the information with the PWG. The PWG evaluates the technical results provided by the Transmission Providers to identify problems and issues and reports to the OSC. TAG participants are provided information relating to technical assessments and problem identification. Att. N-1 § 7.8.

The PWG identifies potential solutions to the transmission problems identified and will test the effectiveness of the potential solutions through additional analysis as required and ensure that the solutions meet the study criteria previously developed. TAG participants will have the opportunity to propose alternative transmission, generation and/or demand response solutions. Such alternatives may be proposed to meet a local or regional need. TAG participants provide the necessary information for proposed generation and/or demand response alternative solutions so that they may be compared with other alternatives. Att. N-1 § 7.9.[18] The process for submitting Regional Projects as

[18] Not surprisingly, the NCTPC's experience has been that such non-transmission alternatives are rarely submitted as solutions likely due to the vertically-integrated structure of the region.

solutions is more formal and is described in Section V.G below, but Section 7.9.2 recognizes that Regional Projects will be considered as solutions.

All solution options that satisfactorily resolve an identified reliability problem are given consideration on a comparable basis. Att. N-1 § 7.9.4. The Transmission Providers estimate the costs for each of the proposed solutions, other than Regional Projects, and develop a rough schedule estimate to implement the solutions. This information is reviewed and discussed by the PWG. Att. N-1 § 7.9.5. The PWG selects the preferred set of solutions to be recommended for inclusion in the plan by considering the solutions' costs, benefits, and associated risks and determining the most reliable and cost effective solutions. The PWG takes into account decisions made by the OSC on Regional Projects. The PWG provides the OSC and the TAG participants with their recommendations in order to obtain input. Att. N-1 § 7.10.

The PWG prepares a draft "Collaborative Transmission Plan Report" ("Draft Plan") based on the study results and the recommended solutions and provides the draft to the OSC for review. The Draft Plan describes the plan in a manner that is understandable to the TAG participants (e.g., describing any needs, the underlying assumptions, applicable planning criteria, and methodology used to determine the need), rather than simply reporting engineering results. Att. N-1 § 7.11.1. The Draft Plan includes a comprehensive summary of all the study activities as well as the recommended solutions including estimates of costs and construction schedules. The OSC forwards the Draft Plan to the TAG participants for their review and discussion. The PWG members are the technical points of contact that can respond to questions regarding modeling criteria, assumptions, and data underlying the Draft Plan. The TAG participants may discuss, question, or propose alternatives for any upgrades identified by the Draft Plan. Att. N-1 § 7.11.2.

The OSC evaluates the results and the PWG recommendations and the TAG participants' input. The OSC approves the final Collaborative Transmission Plan for posting on the NCTPC website. The Collaborative Transmission Plan is also posted on the transmission providers' OASIS and distributed to the TAG participants. Att. N-1 § 7.11.3.

If a Regional Project is included in the (final) Collaborative Transmission Plan it has been selected for regional cost allocation in a regional transmission plan.

3. Process for Selecting Regional Projects

a. Approach to Selecting Regional Projects

As noted, Regional Projects are the means by which the NCTPC TPs fulfill the Order No. 1000 mandate that any transmission developer (defined in the OATT as

"Developer") may avail itself of cost allocation for a project selected in a regional transmission plan on the grounds that it is a more cost effective or efficient solution. As discussed *supra*, the selection process described below is tied closely to the overarching approach to transmission planning and the cost allocation methodology. Proposed Section 8 of Attachment N-1 details the concept of and selection process for Regional Projects.

Regional Projects are defined in Section 8.1 as: typically (but not necessarily) encompassing multiple NCTPC TPs' footprints; being of a voltage of 230 kV or above; having a project cost of at least $10 million; being subject to the OATT of the NCTPC TPs for open access purposes[19]; and materially different than a project or projects currently in the Collaborative Transmission Plan. These requirements are discussed below.

It would be illogical that a project that failed to meet very minimal scope, dollar, and voltage thresholds could or would ever provide regional benefits. Only a quite small transmission facility could be built for $10 million, and indeed, since its inception, the Collaborative Transmission Plan has only included projects with an estimated cost of $10 million of greater. That is, the Local Projects chosen through the bottom up planning process that would be "replaced" by proposals for Regional Projects themselves cost at least $10 million. The Filing Parties expect that Regional Projects are likely to cost hundreds of millions of dollars, as typically they would encompass the replacement of multiple Local Projects. These thresholds thus weed out projects that are so unlikely to provide regional benefits that it is not worth the expenditure of resources to even analyze them. Moreover, a project that failed to meet the scope and $10 million threshold would in virtually any case be located only within one NCTPC TP's footprint such that it would meet FERC's definition of local transmission facility, i.e., it would be a Local Project.

The requirement that the Regional Project be turned over to one or more of the NCTPC TPs for open access purposes is the only way to ensure that the NCTPC TPs who are allocated the costs actually do benefit from the project. If a Developer built a Regional Project and retained control over access to it by selling point-to-point transmission, there would be no benefit at all being provided in exchange for the cost being paid by the NCTPC TPs. Indeed, such an approach would result in the need to develop some sort of crediting mechanism to avoid the double recovery of costs.[20]

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[19] This requirement is met after the Regional Project is constructed.

[20] The merger's elimination of rate pancaking further enhances the benefits associated with Regional Projects, as Network Customers in one Filing Party's control area will not have to pay an additional fee (i.e., a point-to-point charge) to take advantage of added capacity in another

(Continued…)

Finally, the materially different requirement reflects the fact that the NCTPC has adopted a sponsorship model, not a model whereby existing proposed Local Projects of various transmission providers are merely combined into a single project and relabeled.

Under Section 8.2.1, the NCTPC will announce a date in Quarter 3 by which all Developers must submit "Regional Project Proposals," including a $25,000 deposit.[21] The purpose of the $25,000 deposit is to cover the costs to NCTPC Participants, such as Independent Third Party ("ITP") review, and require a Developer to put a relatively small amount of "skin in the game" such that project proposals are serious. Without a meaningful deposit, frivolous proposals might be submitted. Moreover, this sum is de minimis in comparison to the project cost.

Once a Regional Project Proposal is received, the first step in the selection process is to ensure that the proposal is complete. The NCTPC's ITP fulfills this role and there is a cure period if deficiencies are found. Att. N-1 § 8.2.5.

The second step is a screening analysis (consisting of a Developer Screen, Benefit Analysis Screen, Technical Analysis Screen), the results of which are memorialized in writing. The purpose of the screening analysis, which is best viewed as a "Pass-Fail" test, is to eliminate projects and/or Developers that simply are unsuitable and to ensure that the minimum developer qualification, project technical criteria, and the 1.25 Benefit/Cost ratio are met.

Under the "Developer Screen," the OSC will determine if a Developer[22] appears sufficiently qualified to finance, license, and construct the Regional Project and operate and maintain it for the life of the project. Att. N-1 § 8.3.1.[23] The second screen is the "Technical Analysis Screen," under which the PWG reviews power flow and other technical documentation regarding the Regional Project Proposal and recommends to

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Filing Party's control area, if such Network Customer is using such capacity to move power to its Network Load.

[21] The actual costs incurred by the NCTPC to analyze Regional Projects will be borne by the Developer and the deposit will be trued up based on the documented cost of the analysis.

[22] Note that in discussing "Developers," the term is not limited to the single-purpose limited liability company that may be the corporate vehicle for owning and operating a transmission facility.

[23] If a Developer "passes" the Developer Screen, the Developer remains qualified for later submissions for other Regional Projects of comparable cost and scope as the Regional Project for which it was originally evaluated, even if prior projects are never included in a Collaborative Transmission Plan, subject to attestations that the other data initially submitted remain true and correct.

OSC whether the Regional Project passes or fails the Technical Analysis, i.e., whether it is feasible from a reliability standpoint. The PWG will look at factors such as impacts on other transmission projects in the plan; reliability impacts; operational impacts; risk factors; and cost estimates. Att. N-1 § 8.3.2.1. Under the Technical Analysis Screen, the PWG will determine if the Regional Project solves the same issues as the transmission projects being avoided. The OSC reviews PWG recommendation and determines whether the Regional Project passes or fails the Technical Analysis Screen. Att. N-1 § 8.3.2.2. Under the Benefits Analysis Screen, the OSC reviews the Developer's analysis to ensure the Regional Project Proposal meets a 1.25 Benefit/Cost ratio. Att. N-1 § 8.3.3.[24]

The screening process is intended to ensure that objective criteria are met. TAG participants will be permitted to provide comments on whether a proposal passes or fails the screen. The OSC will issue a written report explaining the results of the screening analyses. Examples of why a proposal might fail a screen may be helpful to demonstrate that this analysis is supposed to be a relatively high-level review that merely eliminates from consideration projects and Developers that merit no further resources because they cannot meet the threshold criteria. For example, if a Regional Project Proposal involves a transmission line crossing a significant wetland, where the NCTPC TPs have previously been told that they cannot build transmission, there is a risk that the project could never be sited. A Regional Project that does nothing to solve the issues the project is seeking to replace would fail the screen. If a Developer has absolutely no experience in transmission development and its proposal provides only the vaguest description of how it might obtain the expertise to develop transmission, it could fail the Developer Analysis Screen.

If a Regional Project Proposal fails any analysis, a Developer may challenge such determination through the OATT's Dispute Resolution process. Att. N-1 § 8.3.5.2. A Developer also may revise a Regional Project Proposal that has failed and submit it during the next window for submitting Regional Projects. Att. N-1 § 8.3.5.3. If the NCTPC Participants believe that they need additional information to perform any screen they may request it of the Developer.

The third step in the review process is a somewhat more in depth review that is focused on the Developer and ensuring that the Developer is capable of designing, siting, building, owning, operating, and maintaining the Regional Project and/or capable of hiring others that can fulfill these tasks. In effect, this analysis is for the purpose of ensuring that transmission system reliability will not be degraded by the introduction of the Developer and its proposed project. The criteria being applied are listed in Section

[24] The ratio is discussed in the section on cost allocation.

8.4.3. The same criteria are applied to any Developer, whether or not an incumbent. In the event that more than one Regional Project is proposed to replace the very same Local Project(s), these criteria can be used on a comparative basis to select a Regional Project. Att. N-1 § 8.4.3.

The Filing Parties acknowledge that some stakeholders view the NCTPC TPs having **any** role in determining whether a non-incumbent is a suitable Developer as contrary to spirit, although not the letter, of Order No. 1000. Order No. 1000 clearly rejected the need for an independent entity to perform project or developer selection.[25] Allowing an incumbent to play a decision-making role of the type discussed herein is fully consistent with the recognition in the rule that incumbents are not obligated to select Regional Projects, particularly if they believe reliability of their system will be threatened.

> Order No. 1000 continues to permit an incumbent transmission provider to meet its reliability needs or service obligations by choosing to build new transmission facilities that are located solely within its retail distribution service territory or footprint and that are not selected in a regional transmission plan for purposes of cost allocation. Accordingly, we disagree with petitioners that argue that a federal right of first refusal for reliability project is necessary for incumbent transmission providers to meet reliability needs or service obligations.

Order No. 1000-A at P 428.

The OSC will issue a Draft Report on Regional Project Selection indicating which Regional Projects are approved and which are not and provide a written basis for its decision. Att. N-1 § 8.5. Such Draft Report on Regional Project Selection will include the proposed cost allocation for the Regional Project's Transmission Revenue Requirement ("TRR"). The TAG participants will be asked to comment on the OSC's Draft Report and after considering any comments received, the OSC will issue a Final Report on Regional Project Selection which includes a list of approved Regional Projects. Disputes over the approval or failure to approve Regional Projects will be addressed through the Dispute Resolution provisions. Att. N-1 § 8.6.

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[25] Order No. 1000 at 330 (although "the selection of any transmission facility in the regional transmission plan for purposes of cost allocation requires the careful weighing of data and analysis specific to each transmission facility, . . . [t]he Commission declines . . . to mandate the use of independent third-party observers"); *see also* Order No. 1000-A at P 452.

If a project is approved in the Final Report on Regional Project Selection, and the Developer is a non-incumbent, the next step before the Regional Project is included in the Collaborative Transmission Plan for purposes of cost allocation is the negotiation of a Memorandum of Understanding ("MOU") between the Developer and the NCTPC TPs that are beneficiaries and/or will be interconnected to the Regional Project. Att. N-1 § 8.7.2. This document is merely intended to be a stepping stone to a comprehensive document, likely to be entitled the "Non-Incumbent Developer Interconnection Agreement" that would ultimately govern such matters as the physical interconnection, cost allocation, and operational issues.[26] The MOU's purpose is to ensure that, before the Collaborative Transmission Plan is issued, the Developer and NCTPC TPs have a general meeting of the minds as to their rights and obligations. Most basically, the MOU will demonstrate that the relevant NCTPC TPs are obligating themselves to pay a particular share of costs, while the Developer is promising to turn over the completed facility for open access purposes. After execution of the MOU, a Regional Project can be included in the Collaborative Transmission Plan. As noted elsewhere, it is inclusion in the Collaborative Transmission Plan that means a project has been selected for regional cost allocation in accordance with Order No. 1000.

b. The 1.25 Benefit/Cost Ratio Threshold

The inclusion of the 1.25 Benefit/Cost ratio is the means that allows the NCTPC to adopt an approach to Regional Project selection that is quite objective. In order for a Regional Project to be eligible for cost allocation it must meet the same transmission needs as those projects that are being avoided. It is largely irrelevant whether the Regional Project meets the need while slightly improving reliability or slightly decreasing reliability vis-à-vis the Local Projects it is intending to replace, as long as it achieves the same results in terms of fulfilling the transmission need, in accordance with NERC standards and any other relevant criteria. The Technical Analysis Screen assures that the Regional Project can do the job and that the relevant transmission systems will remain in compliance with the relevant reliability standards if it is constructed. Thus, the selection criteria for Regional Projects is effectively one of "price" – i.e. the comparison of cost estimates of the Regional Project and the Local Projects (or non-transmission alternatives) being avoided.

If NCTPC were buying a good, this price comparison would be simple – is the Developer willing to sell one regional widget for less than the price of five local widgets? Likewise, if Developers were proposing to sell turn-key transmission projects, the

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[26] Note that an incumbent transmission provider would be considered a non-incumbent if proposing to build and own a Regional Project, or a portion of a Regional Project, outside its footprint.

analysis would be simple. But, Developers have little interest in any form of cost recovery other than through a regulated transmission rate that allows them to earn a return over the course of several decades and to also collect their going-forward costs, primarily expenses relating to operating and maintaining their facilities. And, no matter how carefully a contract was drafted, the NCTPC TPs ultimately will have no control over the level of cost recovery. For example, a Developer and TP could agree on a negotiated return on equity, but that contract is FERC-jurisdictional and could be changed by the Commission upon the Developer's request under the public interest standard.

It is self-evident that the Regional Project selection process could result in a morass of analysis and disputes regarding the likely level of the TRR, operating and maintenance costs, returns on equity ("ROEs"), incentives, depreciation rates, etc. To address all the uncertainty concerning *both* cost and benefits, in screening projects, the Filing Parties propose to compare the estimated capital cost of the Local Projects being avoided against the estimated capital cost of a proposed Regional Project. Then, a 1.25 ratio is applied to "account for uncertainty in the calculation of benefits and costs." Order No. 1000 at P 586.

Specifically, the Collaborative Transmission Plan will include the NCTPC TPs' own cost estimates for their Local Projects. For a Regional Project to pass the screening analysis, the total estimated cost of the transmission avoided divided by the estimated cost of the Regional Project must be equal to or greater than 1.25. An example is provided *infra* in the section of this letter addressing cost allocation.

This approach requires that cost estimates for Local Projects and Regional Projects be prepared in a consistent manner and in consistent dollars, to the extent possible. It also requires that cost estimates be updated from year-to-year to maintain such consistency. The Filing Parties plan to prepare and post cost estimation guidelines well before Attachment N-1 takes effect after first distributing such guidelines for comment to the TAG. It is expected that the guidelines will take into account such factors as the time period over which dollars are expected to be spent, what costs should be included in the cost estimate, financing costs during construction, etc. The goal of the guidelines is to ensure that the cost estimates used for the purpose of applying the Benefit/Cost ratio will result in an apples to apples comparison.

The Benefit/Cost ratio is then applied due to the fact that the cost to construct is only one element of the actual cost of transmission projects. The actual cost to ratepayers over a Regional Project's useful life is far more difficult to predict and involves many uncertainties as compared to a Local Project. The ratio takes into account these many uncertainties as to the actual potential cost to ratepayers.

For example, where the Developer is a non-incumbent, it is likely that the forward-looking costs – operations, maintenance, storm restoration, regulatory compliance, etc. – will be higher on a per MW-mile basis than the incumbents, which generally have economy of scale advantages.[27] Likewise, a non-incumbent Developer may use a capital structure that results in higher rates than if the incumbents owned the Regional Project. ROEs are another area where there is uncertainty. A Regional Project may be somewhat more likely than a Local Project to qualify for ROE incentives. Another significant uncertainty in actual cost to ratepayers is the Developer's decision as to whether to use a formula rate. In sum, rather than engage in endless debate and disputes over the accuracy of cost estimates, ROEs, rate structure, and regulatory review of TRRs, the Filing Parties are assuming that a Developer that can build a project at a fairly significant discount as to the cost to construct that would otherwise be incurred will save ratepayers money, no matter how future events play out.[28] The 1.25 ratio also reflects the fact that the selection criteria do not include scrutiny that every aspect of the Regional Project is equal or superior to the Local Projects being replaced. If the Regional Project, for example, results in slightly higher losses or does not provide quite as much congestion relief, the potential for savings resulting from the use of the 1.25 ratio offsets this.

One potential criticism of this approach is that it encourages low-balling of capital cost estimates by Developers of Regional Projects. That is where the screening process comes in. If the PWG sees a cost per MW-mile that is so outside the norm, it will examine in depth the basis of the cost estimate and seek additional information from the Developer. If for example, the cost estimate is unusually low because it is based on a tower design that does not come close to meeting the design standards that the Transmission Providers apply to their own projects, a project could fail. If the cost estimate is unusually low because it uses assumptions about the cost of steel products that are well-below market, the PWG may ask for evidence that the Developer has access to such low-cost steel products (e.g., they are sitting in inventory). In short, lowballing cost estimates will likely result in additional scrutiny in the Screening Analyses and could cause a Regional Project to fail that analysis.

[27] That is, DEC would not need to hire several full-time NERC certified transmission operators if it built a new transmission project in the NCTPC footprint. A non-incumbent Developer almost certainly would need to hire additional staff or contractors and locate them in the region to comply with NERC requirements.

[28] The NCTPC TPs have no incentive to low-ball their own cost estimates for Local Projects because such estimates are subject to regulatory scrutiny and such low-balling would give the impression that the NCTPC TPs are acting imprudently in that they routinely are spending more than budgeted.

c. Regional Projects – Upgrades

The OATTs of the NCTPC TPs never contained rights of first refusal ("ROFRs"). That said, they also do not provide that anyone other than the transmission providers (and Network Customers who earn credits through OATT Section 30.9) will receive any form of compensation or credit for their transmission facilities. Order No. 1000 thus compels transmission providers that had **no** ROFRs to amend their tariffs to allow non-incumbents to build and own regional transmission facilities. Provisions providing opportunities to non-incumbents plainly may be limited to regional transmission facilities; the Final Rule did not require the opening up of "local transmission facilities."[29] Additionally, the Commission indicated that transmission providers could retain ROFRs for certain facilities that possibly would not meet the definition of local transmission facilities:

> an incumbent transmission provider would be permitted to maintain a federal right of first refusal for upgrades to its own transmission facilities.

Order No. 1000 at P 319.

It is the combination of these various provisions which sets the parameters as to which projects must be "opened up" for development by non-incumbent Developers. Namely, to have to be opened up, the project must: 1) be a project selected in a regional for cost for purposes of cost allocation because is a more efficient or cost-effective solution to a regional transmission need; 2) must **not** be an upgrade to another entity's transmission facilities; and 3) must **not** be a local transmission facility. The Filing Parties could have implemented these parameters by defining Regional Project as excluding any project that included an upgrade to incumbent transmission provider's transmission facilities. That approach, however, seemed overly narrow, as a Regional Project theoretically could: 1) consist entirely of upgrades to the facilities of more than one Transmission Provider; or 2) consist partially of upgrades to the facilities of a Transmission Provider and other "greenfield' facilities.

To address this situation, the NCTPC TPs added a provision, found in Section 8.2.2, which reads as if a ROFR is being added to their OATTs, but it is being added only because the NCTPC TPs are being compelled by the Commission to add provisions allowing non-incumbent Developers to develop and own Regional Projects whose costs will be allocated under the NCTPC TPs' OATTs. And, the NCTPC TPs are entitled to limit this opening up of projects in the manner described in the Final Rule. The provision

[29] Order No. 1000 at P 258 ("this Final Rule does not require removal of a federal right of first refusal for a local transmission facility, as that term is defined herein").

allows any Developer to propose a Regional Project that includes upgrades to another entity's facilities, but compels the Developer to allow the owner of the facility to be upgraded to design, build, operate, and maintain the portions of the Regional Project that are upgrades to such entity's facilities.

In Order No. 1000, the Commission affirmed that its reforms were "not intended to alter an incumbent transmission provider's use and control of its existing rights-of-way." Order No. 1000 at P 319. The Commission further clarified this provision in Order No. 1000-A:

> [T]he Commission reiterates that the nonincumbent transmission developer reforms were not intended to alter an incumbent transmission provider's use and control of its existing rights-of-way under state law.

Order No. 1000 at P 427. The Filing Parties understand that such provision means that no transmission provider is compelled to allow any other entity to use an existing right-of-way, if state law does not support such use. Also, if a Developer proposes a Regional Project that involves upgrades to the facilities of another entity, and that entity declines to exercise its right to build the upgrades, **and** state law does not support the "other entity" sharing or providing access to its rights of way, the Developer will have to find another approach to its project that does not involve the use of the other entity's right of way.

d. Potential State Action on ROFR Could Impact Regional Project Selection

FERC should be aware that the state of North Carolina has indicated that it has questions as to whether it is cost-effective to have non-incumbents develop and own transmission. The state opened a proceeding and accepted briefs on the topic.[30] The proceeding remains open. The Filing Parties reserve the right to modify their Attachment N-1 if state developments warrant further changes.

e. Re-Evaluations of Regional Projects and Impacts of Delays

Once a Regional Project is selected for cost allocation in a regional transmission plan, i.e., included in the Collaborative Transmission Plan, the progress of the Regional Project is carefully monitored and the need for the project is subject to re-evaluation under Section 10. The NCTPC may delay, revise, or cancel a Regional Project included

[30] *See* Order, *Investigation of Federal Requirement to Consider Transmission Ownership by Non-Incumbent Developers*, Dkt No. E-1000, Sub 132 (N.C. Utils. Comm'n May 21, 2012).

in the Collaborative Transmission Plan if subsequent events result in a finding that the expected avoided transmission cost benefits of the Regional Project will be significantly different due to a change in circumstances. For example, if a Regional Project was intended to replace a Local Project that was expected to be needed in 2021, and changes in load or expected dispatch are identified in 2016 that would delay the need for the Local Project until 2025, the Regional Project could be delayed.

Section 10 also addresses the abandonment of Regional Project, allowing an impacted transmission provider to seek to complete the Regional Project (in accordance with all applicable laws and regulations) or to propose alternative projects (including non-transmission alternatives) that will ensure that any reliability need is satisfied in an adequate manner. If a NERC Registered Entity believes that abandonment will cause it to violate a specific NERC Reliability Standard, and the transmission providers have not chosen to complete the project in order to prevent the violation, or cannot complete such a project in a timely fashion, the NERC Registered Entity will be expected to submit a mitigation plan to the appropriate entity to address the violation and provide the NCTPC a copy of such plan.

Although Order No. 1000 does not require that compliance filings address any activities that occur after adoption of the Collaborative Transmission Plan, these provisions are necessary because it is important for Developers to understand that inclusion in the Collaborative Transmission Plan is not the “end” of the NCTPC Process.

E. “The method of disclosure of criteria, assumptions and data underlying transmission plan”

Section 7 of Attachment N-1 describes how, throughout the planning process, criteria, assumptions and data are disclosed and although this topic has been discussed in Section V.C *supra*, some key points are summarized here. Under Attachment N-1 Section 7.3.2, study assumptions are reviewed with the TAG before the set of final assumptions are approved. Section 7.3.4 and 7.3.5 allow TAG participants to review the base case models and change case models. Section 7.4.1 provides that TAG participants may review and comment on the planning criteria. Section 7.6 provides that TAG participants may review and comment on the study methodology. Study results are made available to the TAG participants for review and comment under Section 7.7.3. Section 7.8.2 addresses the submittal to the TAG of information relating to technical assessments and problem identification. Solutions are provided to the TAG under Section 7.9. Recommendations as to what should be included in the plan are provided pursuant to Section 7.10 and a draft plan is submitted under Section 7.11. Ample information about proposed Regional Projects likewise is disclosed through the process described in Section 8 of Attachment N-1.

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F. "The obligations of and methods for transmission customers to submit data"

The data submission process for transmission customers is described in Sections 7.5.4 through 7.5.7. Network Customers have certain obligations to provide data under the OATT, but these Attachment N-1 provisions allow for the submission of additional data. Also, point-to-point customers may submit data about expected usage. The data submission process for customers is largely unchanged since Order No. 890, as Order No. 1000 did not alter the type or nature of information that transmission customers must provide.

G. "Process for submission of data by nonincumbent developers of transmission projects that wish to participate in the transmission planning process and seek regional cost allocation"

1. The Submission Process

As already explained, "Regional Projects" are the vehicles for participating in the transmission planning process for the purpose of obtaining regional cost allocation. Attachment N-1 Section 8.2 includes a detailed explanation of both the timing of submission of a Regional Project Proposal and well as the contents of such a submission. The timing was discussed previously and typically should occur near the end of Quarter 3. At that time, all Developers, whether incumbent or non-incumbent, would submit Regional Project Proposals that includes "Project Information" and "Developer Qualification Information."

There is significant amount of detail to be included in this package. The Project Information focuses on matters such as design, route, financing, cost, impacts on the transmission system, Local Projects (or non-transmission alternatives) that the Regional Project is intended to eliminate,[31] and siting issues. The Developer Information focuses

[31] The issue arises at what point is it "too late" to propose a Regional Project that would replace a Local Project or other alternative. Attachment N-1 does not provide a precise answer because there are too many variables. Obviously, a Local Project that is already mid-construction is not a prime candidate for replacement; but, the NCTPC TPs cannot rule out some set of facts which would allow them to pinpoint any specific point in time. For example, a proposed Regional Project could be so cost-effective that even assuming another Local Project is abandoned (and abandoned plant costs recovered), that the Regional Project is still a better alternative. The annual status reports on projects and estimated in-service dates are provided to help inform a Developer's consideration of the likelihood that a Local Project is a suitable project for replacement.

on matters such as the Developer's experience as to all aspects of the lifecycle of a transmission facility, its financial wherewithal, and legal/regulatory history.

The list of information to be provided is quite similar as to lists already included in other tariffs or lists being developed by other transmission providers. The NCTPC is not asking for the impossible through these lists of information. If a Developer (or its parent) lacks a credit rating, it need not provide one. If a Developer is new to the industry and lacks experience at various tasks, that will not automatically disqualify it. A few specific items requested are discussed below in more detail.

Section 8.2.3.5 seeks an explanation of how the Developer will abide by any transmission standards of transmission provider(s) with which project will interconnect. Such information is needed to ensure that the Developer understands that it is subject to the planning criteria in the region used by the incumbents, which criteria are made publicly available through the Order Nos. 890/1000 processes.

Section 8.2.3.9 addresses whether a project would require state transmission siting proceedings, National Environmental Policy Act review, or federal permits and asks the Developer to describe the legal authority, if any, that will need to be obtained by the Developer to site/own transmission and which governmental body will review the Developer's applications for siting approval for projects within the NCTPC region. The section also requires information about the means planned to be used to obtain transmission siting approval and a proposed schedule. The NCTPC is not asking a Developer to prove it **has obtained** any siting permits or that it **has or may obtain** legal authority to build or own transmission. The requirement rather demands an explanation of what tasks would be needed to be performed to obtain such permits, authority, etc. and the Developer's plan to accomplish those tasks if selected. Such information assists in the screening and selection analyses. For example, if a transmission route cuts directly through a national forest, yet there is no indication that a federal permit is necessary, it would call into question whether the Developer is truly qualified and whether the project is at such a high risk of delay that it could never fulfill a relatively short-term reliability need.

H. "Process for submission of data by merchant transmission developers that wish to participate in the transmission planning process"

The NCTPC TPs have met the requirement to allow Merchant Transmission Developers (a defined term in Attachment N-1) to submit data on their projects as described in Section 7.5.2. The mere fact that a Merchant Transmission Developer has submitted such information, however, does not mean that its project would be included in a transmission model used for planning. The NCTPC TPs would only include their **own** projects in transmission models if a project is considered sufficiently likely to be developed. Thus, for further clarity, Section 7.5.3 spells out exactly under what conditions a Merchant Transmission Developer's project would be included in transmission models. A Merchant Transmission Developer would have to demonstrate that its project is fairly far along in the development process, i.e., its project must have a certificate of public convenience, to the extent required, and at least 50 percent of its capacity must be subscribed, among other requirements.

I. "The dispute resolution process"

The NCTPC TPs' dispute resolution process is discussed in the discussion of the Dispute Resolution principle *infra*.

J. "The study procedures for economic upgrades to address congestion or the integration of new resources"

The NCTPC TPs' process for performing studies to address congestion or possible new resources is discussed in the Economic Studies principle *infra*.

K. "The procedures and mechanisms for considering transmission needs driven by Public Policy Requirements, consistent with Order No. 1000"

Attachment N-1 describes a process in Section 7.2 under which, annually, the NCTPC's OSC and TAG participants will be asked to identify if they are aware of any public policies that are driving transmission needs. If a public policy is identified and then confirmed by the OSC to be a public policy that is driving a transmission need, the NCTPC will consider solutions to those needs and TAG participants may suggest Local or Regional Projects to meet those needs in accordance with the planning process. The section, however, is not designed to undermine the "bottom up, then top down" approach to transmission planning that is at the core of the NCTPC Process, under which bottom up planning is performed prior to a top down review as to whether there are regional solutions that can better meet needs.

As noted in Section 7.2.2.2, the purpose of the "identification of public policy process" is not for a single LSE that plans to buy power from a new solar plant to meet the North Carolina renewable portfolio standard to propose that the Collaborative Transmission Plan include the upgrades needed to interconnect and deliver energy from such new generator. Individual service requests will not be handled through the NCTPC Process, as it would be highly disruptive on the interconnection and transmission queuing processes included in the OATT.

L. "The relevant cost allocation method or methods. (The regional transmission planning process must include a cost allocation method or methods that satisfy the six regional cost allocation principles set forth in Order No. 1000.)"

1. Background

Finding a cost allocation methodology for Regional Projects, which methodology as already discussed is closely tied to project selection, is challenging in regions with integrated resource planning, vertical integration, and a first-come first-served physical transmission rights model. The primary reason such challenge exists is that the entities that benefit the most from new transmission typically are those that are able to reserve it long-term. But, allocating costs **directly** to transmission customers in exchange for long-term rights is how FERC defines participant funding, which may not be used as an Order No. 1000 cost allocation methodology. The Filing Parties also determined that allocating costs to entities other than enrolled transmission providers, while at the same time ensuring that non-incumbent Developers could allocate costs of Regional Projects pursuant to provisions contained in the OATTs of the enrolled transmission providers, was somewhat impractical.[32] Also complicating matters, transmission planners cannot simply assume that changes in dispatch will occur based on regional economics, as one would with an RTO market structure.

The Filing Parties ultimately chose a cost allocation method that was similar to the approach previously approved for Regional Reliability Projects. Under their Order No. 890 Attachment N-1, costs for Regional Reliability Projects were allocated based on an "avoided transmission cost" methodology. A participant funding approach was used for the other type of regional project – Regional Economic Transmission Paths. In considering what approach to use for Order No. 1000, the Filing Parties knew that they had to eliminate the existing participant funding approach. The Filing Parties were interested in retaining the same cost allocation approach for reliability projects, but also having cost allocation approaches for projects driven by economics and public policy. The approach contemplated – a flexible, "beneficiary pays" approach – would have allowed the NCTPC to analyze a wide variety of potential benefits depending on the nature of the Regional Project Proposals. That is, the NCTPC wanted to be able to consider a broad array of factors and possible benefits in selecting Regional Projects. But, this approach was sharply criticized.

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[32] This is not to say it is impossible to adopt such a method, but that the allocation of costs to enrolled transmission providers is simpler and involves fewer entities than allocations to customers or LSEs located in the planning region.

Other more narrow, less subjective approaches, such as analyzing economic projects based *solely* on production cost savings using a common production cost model built on public data,[33] left too much room for error and the possibility that cost savings would not be realized. Any approach to selecting transmission projects and allocating their costs based on assumed production cost savings effectively interferes with the IRP process because it results in a transmission project being selected based on an approach to serving load (and dispatch) that is not the approach reflected in the IRP. For the Commission to respect the IRP process, as it affirmed it would, the results of the IRP process must in turn be respected.

In the IRP process, a preferred approach to serving load (and the resources necessary to achieve that service) ultimately is determined based on a significant amount of information such as market conditions, operating costs, operating characteristics, public policy requirements, and proprietary inputs such as fuel costs, heat rates, etc.[34] The use of public data and a generic model to analyze the economic impact of a proposed transmission project obviously reflects a departure from the fundamental assumptions used in the IRP process. There is thus no means to guarantee that the predicted savings will result. An RTO-like approach to economic dispatch simply cannot be super-imposed on a region such as the NCTPC.

The other criticism clearly heard by the Filing Parties was that virtually any degree of subjectivity in project selection or cost allocation was too much. Although the Filing Parties disagree that **all** subjectivity must be eliminated, they received a message that it should be reduced as much as possible.

Through the course of stakeholder discussions and discussions with FERC Staff, it became clear that any project selection/cost allocation approach that was not very well-defined or easily replicable would be likely to garner protests and unlikely to pass muster with the Commission. Not all the NCTPC Participants, however, were convinced that the avoided transmission cost approach should be the **only** approach to cost allocation and project selection. The Filing Parties discussed this matter with the TAG, the OSC, and with FERC Staff, but the Filing Parties decided not to include in their Attachment N-1 filing an alternative approach to cost allocation. The Filing Parties believe that if Developers can find projects that are readily shown to be beneficial that they can then use NCTPC Process and the TAG to "sell" such projects to the beneficiaries on a participant

[33] The NCTPC would not be able to gain access to proprietary data for production cost analysis due to the fact that if it relied on such data, it would have to be made public to those that signed disclosure agreements.

[34] The Filing Parties do not share proprietary fuel cost information (developed from individual contract negotiations) with the public.

funded basis. Other NCTPC Participants may provide comments in support of an alternative approach.

2. Description of the Avoided Transmission Cost Methodology

The concept of avoided transmission cost allocation methodology is quite simple and familiar to FERC from the Filing Parties' existing Attachment N-1. The costs of a Regional Project should be allocated based on the savings to the NCTPC TPs that otherwise would have to build Local Projects. A Regional Project would have its costs allocated in the following manner.

(Transmission Provider$_x$'s Avoided Cost/Total Avoided Cost) * cost of Regional Project = Transmission Provider$_x$'s Cost Allocation

(Transmission Provider$_y$'s Avoided Cost/Total Avoided Cost) * cost of Regional Project = Transmission Provider$_y$'s Cost Allocation

Not all Regional Project costs would necessarily be allocated to all enrolled NCTPC TPs. Rather, costs are allocated only to those whose Local Projects would be avoided. An example is provided below:

- PEC estimated cost to solve a reliability issue on its system = $100M
- DEC estimated cost to solve a reliability issue on its system = $50M
- Estimated cost of the alternative Regional Reliability Project(s) = $110M
- Project meets 1.25 ratio: $150 M ÷ $110 M = 1.36 and 1.36 ≥ 1.25
- PEC allocation: $100M/$150M * $110M = $73.33M
- DEC allocation: $50M/$150M * $110M = $36.67M
- Yadkin allocation: $0/$150M * $110M = $0

3. How the Avoided Transmission Cost Methodology Meets the Six Pricing Principles

Under the avoided transmission cost methodology, the costs of Regional Projects are plainly allocated to beneficiaries, those NCTPC TPs that do not have to incur capital costs to meet their service and reliability obligations. The approach thus meets Pricing Principle 1.

As to Pricing Principle 2, there is no involuntary allocation to any beneficiary under the avoided transmission cost methodology. The NCTPC TPs who are being freed from incurring costs are agreeing through their OATT filings to be allocated costs on the basis of the costs being avoided.

The benefit to cost threshold is set at no more than 1.25 in accordance with Pricing Principle 3.

Since costs only may be allocated to NCTPC TPs, whose own footprints define the NCTPC Region, it is clear that costs are allocated only to entities in the region in accordance with Pricing Principle 4. That is not to say wheeling customers will not indirectly pay a small share of Regional Project costs, but certainly the Commission did not intend to eliminate all wheeling charges with Order No. 1000.

The cost allocation method is quite transparent and is based on a very simple formula expressed above. When the need to perform a cost allocation occurs, it will be documented in writing. That is, the Local Projects being avoided and their cost estimates will be documented as will the estimated cost of the Regional Project. Such cost estimates will be verified as compliant with the cost estimating guidelines. The formula will be run and the outcome reflected in the Regional Project Section Process Report, meeting Pricing Principle 5.

Finally, in accordance with Pricing Principle 6, the (one) cost allocation methodology has been explained in detail in the OATT and in the discussion above.

4. Cost Recovery

Although Order No. 1000 indicates that cost recovery need not be addressed,[35] the Filings Parties discuss here their general expectations as to how cost recovery would occur. A Developer of a Regional Project included in the Collaborative Transmission Plan would recover its costs from the NCTPC TPs to whom its costs are allocated. A non-incumbent Developer would file its TRR at FERC for approval and then that TRR would be allocated to the NCTPC TPs per the cost allocation percentages calculated under the process just described. Those percentages would be set forth in the Non-

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[35] Order No. 1000 at P 563 ("This Final Rule sets forth the Commission's requirements regarding the development of regional and interregional cost allocation methods and does not address matters of cost recovery.").

Incumbent Developer Interconnection Agreement.[36] The NCTPC TPs' would pass through that charge in their FERC-jurisdictional and/or state jurisdictional transmission rates. To the extent changes are needed to the Filing Parties' OATTs to recover costs allocated to them by Developers through this process, such changes will be filed under FPA Section 205 in a timely manner.

VI. SEVEN PLANNING PRINCIPLES

Order No. 1000 requires that the regional planning process meet seven planning principles. In discussing the manner in which the NCTPC Process meets those seven planning principles, the Filing Parties start with the premise that in their Order No. 890 filings, the Filing Parties put forth a regional planning process, albeit one that typically resulted in the issuance of a regional plan that included only local projects. Thus, it is not surprising that the Filing Parties largely rely on the very same facts as they did in their Order No. 890 compliance filings to meet the nine planning principles[37] in demonstrating that they also meet a subset of those planning principles. Some processes were of course updated to reflect the new requirements imposed by Order No. 1000.

A. Coordination

The coordination principle requires transmission providers to provide for timely and meaningful input and participation of customers regarding the development of transmission plans, allowing customers to participate in the early stages of development. Order No. 890-A at P 182. It eliminates the potential for undue discrimination in planning by opening appropriate lines of communication between transmission providers, their transmission-providing neighbors, affected state authorities, customers, and other stakeholders. *Id.*

The NCTPC TPs meet the coordination principle for the region through the NCTPC Process outlined in their Attachment N-1, which process has a committee, stakeholder, and meeting structures for conducting planning activities. The public is welcome to participate in the NCTPC Process through attendance at TAG meetings, which are open, and commenting when requests for comments are issued. All TAG participants may request to be placed on the TAG e-mail distribution list to receive

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[36] The TRR also could be included as an attachment to the Non-Incumbent Developer Interconnection Agreement. I.e., that agreement could serve a host of purposes.

[37] The Filing Parties' Order No. 890 filings were approved in a series of FERC orders: *Duke Energy Carolinas, LLC*, 124 FERC ¶ 61,267 (2008) ("First 890 Order"), 127 FERC ¶ 61,281 (2009) ("Second 890 Order"), Docket Nos. OA08-50, et al., Letter Order (Feb. 2, 2010) ("Third 890 Order") (collectively "890 Compliance Orders").

meeting notice and other announcements. TAG meetings normally are conducted in person, but participation by telephone is permitted. The NCTPC has a website with the e-mail addresses for points of contact and questions. A calendar of noticed meetings and other significant events also is provided on the NCTPC website. If votes will be taken at a TAG meeting, the intent to hold a vote will be noticed. The processes for becoming a TAG participant and a TAG Voting Member, as well as a member of the OSC and PWG, are described in Section 4 of Attachment N-1, as are the decisionmaking processes for each of the three groups. The NCTPC Participants, not only the Filing Parties, govern these processes. The roles of each of the committees are fully described in Section 4 of Attachment N-1. The NCTPC TPs have not changed their approach to coordination in any meaningful fashion and such approach previously was found to meet the coordination principle.

In the Filing Parties' First 890 Order, FERC found:

> Through the NCTPC Process, members of the TAG can provide advice and recommendations to the NCTPC Participants to aid in the development of the annual collaborative transmission plan. TAG participants will be able to review the criteria, assumptions and data used to develop transmission plans and propose alternative solutions for consideration by the Planning Working Group.

First 890 Order at P 18. A year later, FERC ruled that further reforms ensured complete compliance with this principle, as Attachment N-1 would:

> allow TAG participants, upon request, to review the base case and change case models and provide input to the Planning Working Group with regard to whether the models accurately represent the study assumptions approved by the Oversight Steering Committee.

Second 890 Order at P 13.

With the added requirements imposed on the transmission providers to comply with Order No. 1000, the Filing Parties ensured that TAG input is solicited as to all the new planning activities. Specifically, TAG participant input is requested as to:

- Public policies that drive transmission needs (Att. N-1 § 7.3);
- Screening of Regional Projects (Att. N-1 § 8); and

- Selection of Regional Projects, including input on cost allocation (Att. N-1 § 8).

TAG participants will also be invited to any special meetings at which Regional Projects will be vetted.

B. Openness

The openness principle requires that transmission planning meetings be open to all affected parties, including but not limited to all transmission and interconnection customers, state authorities, and other stakeholders. Order No. 890-A at P 192.

The NCTPC TPs meet the openness principle by allowing any member of the public to be a TAG participant, adopting a consensus approach to TAG decisionmaking but also relying on a weighted sector voting approach when consensus cannot be reached, and through allowing access to CEII and other Confidential Information through Confidentiality Agreements. FERC approved this approach in the 890 Compliance Orders.[38]

Order No. 1000 necessitated no changes to the way that meetings are structured or conducted or with regard to who could participate in the TAG. The scope of TAG meetings may now cover additional activities as a result of Order No. 1000.

C. Transparency

The transparency principle requires transmission providers to reduce to writing and make available the basic methodology, criteria, and processes used to develop transmission plans, including how they treat retail native loads, in order to ensure that standards are consistently applied. Order No. 890 at P 471. The Commission required transmission providers to make available information regarding the status of upgrades identified in their transmission plans in addition to the underlying plans and related studies. Order No. 890-A at P 195.

As discussed in Section V.D, the NCTPC TPs will disclose the criteria, assumptions, and data that underlie their Collaborative Transmission Plan by posting such information on their websites, and/or the NCTPC website. As also discussed in

[38] *See* First 890 Order at PP 22-23 ("all affected parties are permitted to participate in the transmission planning process and, with the modification directed above, have an adequate opportunity to review and comment on study criteria, methodologies, and results"); Second 890 Order at P 18 ("[t]he revised process provides the opportunity for all TAG participants to participate in voting and to obtain access to planning-related information").

Section V.D, the TAG is involved in every aspect of crafting the criteria, assumptions, and reviewing data. The Filing Parties have not changed their approach to meeting this principle.

In its First 890 Order, the Commission found that the Filing Parties would "disclose the criteria, assumptions, and data used in transmission planning to interested stakeholders" and that the "[p]lanning criteria and the software and analytical tools used in developing the plan are available on the companies' websites or are otherwise provided to the TAG." First 890 Order at P 27. On compliance the Filing Parties broadened access to such materials even further and FERC approved this approach to meeting the openness principle in its Third 890 Order.

With Order No. 1000, the Commission is requiring transparency in how Regional Projects are selected. As discussed in Section V.D, the TAG is provided abundant information about how Regional Projects are being screened and selected and may participate in that process by providing comments. Written reports on both the screening analyses and the selection process are issued. The Filing Parties view these reports and their transparency as crucial to demonstrating that the NCTPC is not acting in a biased manner in selecting Regional Projects.

D. Information Exchange

The information exchange principle requires transmission providers to develop guidelines and a schedule for the submittal of information in consultation with their network and point-to-point customers. Information collected by transmission providers to provide transmission service to their native load customers must be transparent and equivalent information must be provided by transmission customers. Point-to-point customers were also required to submit any projections they have of a need for service over the planning horizon and at what receipt and delivery points. Order No. 890-A at P 203.

The NCTPC TPs approach to compliance is to reflect in Attachment N-1 the fact that the OATTs of the NCTPC TPs set forth the obligations of Network Customers to submit data to them. Point-to-point customers and others that are not seeking any particular service, have no comparable tariff obligations, but are free under Attachment N-1 to submit any data they desired. There is no formal schedule or procedures for submission of information by transmission customers, just as there are no such formal procedures for native load, although a general transmission planning schedule would be developed each year and will indicate when data should be provided. As already discussed, data used for planning is made available to the TAG under the transparency principle such that any stakeholder should be able to replicate studies with appropriate software.

This approach to compliance was found acceptable, as described by FERC in response to the Filing Parties' Order No. 890 filings:

> We find that the transmission planning process proposed by [DEC] and [PEC] complies with the requirements of the information exchange principle stated in Order No. 890. In consultation with the TAG, the Planning Working Group will establish guidelines, data formats, and schedules for the submission of data it identifies as necessary for the planning process. TAG participants may also provide additional input to the data collection process even if not otherwise required under the schedules adopted by the Planning Working Group.

First 890 Order at P 33.

The obligation to exchange information does not appear to be affected by Order No. 1000.[39] Certain data must be provided by Network Customers and all customers may still volunteer to provide data. Again, because the NCTPC Process was already regional in nature, no changes were made to the existing process.

E. Comparability

The comparability principle requires transmission providers to develop a transmission system plan that (1) meets the specific service requests of its transmission customers and (2) otherwise treats similarly-situated customers (e.g., network and retail native load) comparably in transmission system planning. Order No. 890-A at P 208. In Order No. 890-A, the Commission clarified that a transmission providers also had to show how they "will treat resources on a comparable basis." *Id.* at P 216.

The NCTPC TPs meet these requirements in the same manner as the Filing Parties did when complying with Order No. 890 – by having a single planning process for all transmission customers that treats all customers comparably. The planning process is not only comparable it was identical. Section 7.9.4 reflects the commitment that *all* solution options would be given consideration on a comparable basis.[40]

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[39] Note that this principle did not address issues relating to exchanging information with Developers, but rather with customers and potential customers. Information exchanges relating to Developers is discussed elsewhere in this letter.

[40] Order No. 1000 does not require that non-transmission alternatives be provided a vehicle for regional cost allocation. Order No. 1000 at P 779 ("we conclude that the issue of cost recovery for non-transmission alternatives is beyond the scope of the transmission cost allocation

(Continued…)

Again, Order No. 1000 does not appear to alter the principle or its application where a region already was in compliance.

F. Dispute Resolution

The dispute resolution principle requires Transmission Providers to identify a process to manage disputes that arise from the regional planning process and which addresses both procedural and substantive planning issues. Order No. 890-A at P 217.

In complying with Order No. 890, the Filing Parties proposed to resolve disputes based on the nature of the dispute and jurisdiction over the dispute. The Commission found that the Filing Parties provided dispute resolution procedures for all parties involved in all NCTPC and non-NCTPC transmission planning activities. Second 890 Order at PP 40-41.

The NCTPC TPs are not significantly altering the Filing Parties' previously accepted provisions regarding dispute resolution, including retaining a mediation option in certain circumstances. Section 11 continues to provide various avenues to dispute resolution based on the nature of the dispute – NCTPC Process, Integrated Resource Planning, Siting, Tariff – and which agency had jurisdiction over the dispute.

Limited changes have resulted from Order No. 1000. First, language has been deleted to reflect the fact that the Regional Reliability Project concept no longer exists. Also, to reflect the changes to the regional planning process, the Filing Parties also have added language in Attachment N-1 indicating that disputes relating to the Regional Project screening and selection processes may be addressed through dispute resolution. *See* Att. N-1 §§ 8.3.5.2 and 8.6.

G. Economic Planning Studies

Order No. 890 explained that the purpose of the Economic Studies Principle is to:

> ensure that customers may request studies that evaluate potential upgrades and other investments that could reduce congestion or integrate new resources and loads on an aggregated or regional basis, and not to assign cost responsibility for any investments or otherwise determine whether they should be implemented.

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reforms we are adopting here, which are limited to allocating the costs of new transmission facilities").

Order No. 890-A at P 228. The principle requires "that stakeholders be given the right to request a defined number of high priority studies annually (e.g., five to ten studies) to address congestion and/or the integration of new resources or loads." Order No. 890 at P 547 (internal footnote omitted).

The NCTPC TPs have agreed to perform up to five economic studies (whether regional or local in nature) each year that would be selected by the TAG. The method for selecting the studies is described in Attachment N-1 Section 6. Additional economic studies will be performed, if the requesting TAG participant is willing to pay for the study if the study can be reasonably accommodated (i.e., if it will not overburden the transmission planning staffs). Att. N-1 § 6.2.2.

The means of compliance remains unchanged from the approach approved as to the Filing Parties under Order No. 890. First 890 Order at P 75 (finding that the Filing Parties have provided a process for stakeholders to request studies that evaluate potential upgrades or investments that could reduce congestion or integrate new resources).

The Filing Parties have decided not to increase the number of studies in light of Order No. 1000 due to the fact that five appears to be more than a sufficient number of economic studies, even with the addition of Yadkin. In the past two planning years, **no** TAG participants sought any economic studies.

In its Order No. 890 filing, the Filing Parties indicated that they would also perform inter-regional economic studies under the auspices of the SIRPP, despite the fact that there was no requirement to perform inter-regional economic studies in Order No. 890. The Filing Parties are not changing the SIRPP provisions, but would note that Order No. 1000, which expanded the obligation to perform economic studies from performing studies on a local basis to also performing them on a regional basis, did not include any obligation for inter-regional economic studies to be performed. To avoid confusion, the Filing Parties are **not** relying on the SIRPP economic studies as evidence that they are meeting the economic studies principle of Order No. 1000.

VII. RECOVERY OF PLANNING COSTS

In Appendix C, Attachment K of Order No. 1000, the Commission notes that the "regional transmission planning process shall provide a mechanism for the recovery and allocation of planning costs consistent with Order No. 890." Section 12 addresses cost recovery for planning costs. Under Section 12, which is unchanged as to the Filing Parties, the methodology used to recover costs associated planning will depend on the role of the entity seeking to recover such costs. Although the NCTPC Participation Agreement addresses who initially is allocated certain NCTPC-related costs, that assignment does not dictate cost recovery, which is left to each individual entity that incurs costs, through whatever means was appropriate – i.e., transmission rates, retail rates, state funding (in the case of state commissions), etc. In the First 890 Order (at PP 94-95), the Commission noted that DEC and PEC would recover their planning costs through retail and wholesale rates and found that they had adequately addressed the issue.

VIII. OTHER ATTACHMENT N-1 CHANGES

The Filing Parties used the term "Local Planning" in their Order No. 890 Attachment N-1 to refer to planning for lower-voltage facilities and the delivery of energy to specific customer locations. Local area plans were rolled into the power system models that roll up to the NCTPC transmission models. Order No. 1000, however, considers "local planning" to be planning for the entire footprint of a single transmission provider.[41] Using the term Local Planning in Section 16 thus may cause confusion in light of how Order No. 1000 defines the term "local." The Filing Parties have thus renamed "Local Planning" as "Sub-Local Planning" to reflect the fact that such planning is not planning for their entire footprints. In effect, the Filing Parties do not delineate their activities between local planning and regional planning in Attachment N-1; rather, they delineate Local Projects and Regional Projects.

The Filing Parties deleted Appendix 2 because it is too complex to reduce the planning process to a single flowchart. The flowchart also may have caused confusion as to whether certain activities were regional or inter-regional in nature. The Filing Parties will consider adding an Appendix showing only inter-regional activities in its inter-regional compliance filing.

IX. INTERREGIONAL COORDINATION

The Filing Parties are leaving their existing inter-regional coordination provisions in place for the time being. Minor edits have been made to reflect the members of VACAR.

X. EFFECTIVE DATE AND TRANSITION ISSUES

The Filing Parties are proposing that the tariff provisions take effect at the start of the planning year following FERC accepting their compliance filing, assuming such acceptance largely adopts the proposed planning process. Although the Filing Parties fully expect the effective date to be January 1, 2014, they are using the 12/31/9998 date

[41] In its Notice of Proposed Rulemaking, *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*,131 FERC ¶ 61,253 at P 64 n.77 (2010)), the Commission explained that the "'local' transmission planning process [] mean[t] the transmission planning process that a public utility transmission provider performs for its individual service territory or footprint pursuant to the requirements of Order No. 890").

in their electronic metadata to reflect that there is some uncertainty. For example, if the first order on compliance (unexpectedly) requires a substantial change in direction, the Filing Parties would revisit the effective date. Given that the NCTPC is already engaging in regional transmission planning and producing a regional transmission plan annually, this proposal should be acceptable.

The Commission instructed that the compliance filing should address implementation of Order No. 1000 with respect to where a Transmission Provider is in its current planning cycle and the impact on projects currently under consideration. Order No. 1000 at P 162. The Filing Parties can say with virtual certainty that no "Regional Reliability Projects" or "Regional Economic Transmission Paths" will be included in the next two transmission plans, thus there is no need to address regional projects under consideration in the tariff. Assuming the revised Attachment N-1 takes effect for the 2014 planning year, Local Projects in the 2013 plan can be proposed to be replaced by Regional Projects during the first submission window for Regional Projects.

Wherefore, the Filing Parties request that the Commission accept their Attachment N-1.

Respectfully submitted on behalf of the Filing Parties,

/Jennifer L. Key/

Jennifer L. Key
Attorney for Duke Energy Carolinas, LLC and Carolina Power & Light Company

Attachments

ATTACHMENT N-1

TRANSMISSION PLANNING PROCESS
(CP&L Zone and DEC Zone)

1. INTRODUCTION

Duke Energy Carolinas, LLC (Duke), Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc. (Progress), and Alcoa Power Generating Inc. (Yadkin) are Transmission Providers with transmission facilities located in the states of North Carolina and/or South Carolina, ensure that their entire Transmission Systems (i.e., both portions located in North Carolina and portions located in South Carolina) are planned in accordance with the requirements imposed by Order Nos. 890 and 1000 through the process developed by the North Carolina Transmission Planning Collaborative Process (NCTPC Process). The NCTPC was formed by the following load serving entities (LSEs) in the State of North Carolina: Duke, Progress, ElectriCities of North Carolina (ElectriCities), and the North Carolina Electric Membership Corporation (NCEMC) (collectively, NCTPC Participants or Participants).

In addition to engaging in local and regional planning through the NCTPC Process, the Transmission Providers engage in "inter-regional" coordination activities with transmission providers located outside their Control Areas as discussed in Section 14. Such activities include participation in SERC, which focuses on reliability assessments. Duke and Progress participate in the Southeast Inter-Regional Participation Process (Appendix 1) which focuses on economic studies.

The NCTPC Process is intended to meet both the nine planning principles of Order No. 890 and the seven principles of Order No. 1000 for the relevant region – the footprint of the entities that are network or native load customers of the Transmission Providers. The Collaborative Transmission Plan will include Local Projects and Regional Projects.

2. DEFINITIONS

2.1 Developer: An entity that seeks to develop, is developing, or has developed a Regional Project.

2.2 Local Project: A transmission facility located solely within one Transmission Provider's footprint (i.e., Control Area) that is not selected in the Collaborative Transmission Plan for purposes of cost allocation under Section 9 of this Attachment N-1.

2.3 Non-Incumbent Developer: An entity that seeks to develop, is developing, or has developed a Regional Project that is not also an enrolled Transmission Provider.

2.4 Merchant Transmission Developer: An entity that seeks to develop, is developing, or has developed a transmission project for which cost recovery is not sought pursuant to this Tariff.

2.5 Regional Project: A project selected by the NCTPC pursuant to this Transmission Planning Process for inclusion in the Collaborative Transmission Plan for purposes of regional cost allocation because it is a more efficient or cost-effective solution to meet a regional transmission need. A Regional Project is a project whose costs are allocated pursuant to Section 9 of this Attachment.

3. ENROLLMENT OF TRANSMISSION PROVIDERS

3.1 As reflected in the requirements below, enrolled Transmission Providers are entities that have the statutory or tariffed obligation to ensure that adequate transmission facilities exist in order to allow their customers to deliver energy from their network resources to their loads and to fulfill other long-term firm transmission obligations. Such Transmission Providers are thus beneficiaries for cost allocation purposes on behalf of their transmission customers.

3.2 Duke, Progress, and Yadkin are deemed to be enrolled as Transmission Providers because they meet the qualifications described below and are required by FERC to be enrolled in a planning region.

3.3 Transmission Providers other than Duke, Progress, and Yadkin that are directly interconnected with transmission facilities within the footprint of the NCTPC may enroll in the Transmission Planning Process described in this Attachment, if they meet the following eligibility requirements:

3.3.1 Have an open access transmission tariff on file with FERC (whether FERC-jurisdictional or a non-jurisdictional safe harbor tariff) under which they provide transmission service;

3.3.2 Are registered with NERC as a Planning Authority and a Transmission Service Provider, among other functions.

3.4 A Transmission Provider may enroll by informing the NCTPC Oversight/Steering Committee (OSC) that it seeks to enroll. The OSC will verify the eligibility of the Transmission Provider within two weeks and inform the Transmission Provider whether it is eligible.

3.4.1 If the Transmission Provider is eligible, it will be permitted to enroll as of the first day of the following calendar year after its request to enroll.

3.4.2 A new Transmission Provider must amend its FERC-filed tariff to include this Attachment, which will be amended as necessary to reflect the additional Transmission Provider.

3.5 The public utility and non-public utility Transmission Providers that have enrolled as Transmission Providers in the Transmission Planning Process are as follows:

Duke Energy Carolinas, LLC;
Carolina Power & Light Company;
Alcoa Power Generating Inc.

3.6 All references to Transmission Providers in this Attachment are to enrolled Transmission Providers. If Transmission Provider is not meant to be limited in such fashion, the term Non-Enrolled Transmission Provider will be utilized.

4. NCTPC PROCESS OVERVIEW INCLUDING THE PROCESS FOR CONSULTING WITH TAG PARTICIPANTS

The NCTPC will annually develop a single, coordinated transmission plan (Collaborative Transmission Plan) that appropriately balances costs, benefits, and risks associated with the use of transmission, generation, and demand-side resources to meet the needs of LSEs as well as Transmission Customers under this Tariff.

4.1 The North Carolina Transmission Planning Collaborative Participation Agreement (Participation Agreement) governs the NCTPC and the NCTPC Process. The Participation Agreement is located on the NCTPC Website (http://www.nctpc.org/nctpc/).

4.2 The NCTPC Process is summarized in a document entitled *North Carolina Transmission Planning Collaborative Process* that is located on the NCTPC Website.

4.3 Participation in the NCTPC

4.3.1 Pursuant to the *Participation Agreement*, the NCTPC has four components: the OSC, the Planning Working Group (PWG), the Transmission Advisory Group (TAG), and the Independent Third Party (ITP).

4.3.2 Eligibility for participation in the four NCTPC components is as follows:

4.3.2.1 The appointment of OSC members by the NCTPC Participants is governed by the *Participation Agreement*. The ITP is an *ex officio* member of the committee. The qualifications required to serve on the OSC are set forth in a document entitled *Scope - Oversight/Steering Committee* that is located on the NCTPC Website.

4.3.2.2 The appointment of PWG members by the NCTPC Participants is governed by the *Participation Agreement*. The ITP also has a representative on the PWG. The qualifications required to serve on the PWG are set forth in a document entitled *Scope - Planning Working Group* that is located on the NCTPC Website.

4.3.2.3 Anyone may participate in TAG meetings and sign-up to receive TAG communications. The TAG is comprised of TAG participants. An employee or agent of a NCTPC Participant who 1) performs or supervises transmission planning activities or 2) is a member of the OSC or PWG may not be a TAG participant, but employees or agents of NCTPC Participants that perform activities other than transmission planning activities may be TAG participants.

(i) The Independent Third Party (ITP) is selected by the OSC. The ITP must have qualifications similar to OSC and PWG members.

4.4 Responsibilities and Decision-Making of NCTPC Components

The responsibilities of the components within the NCTPC are determined by the *Participation Agreement* and/or the OSC. Decision-making likewise is established in the *Participation Agreement*, or by policies established by the OSC.

4.4.1 Oversight/Steering Committee

4.4.1.1 The OSC is responsible for overseeing and directing all the activities associated with this NCTPC Process. A list of the OSC's responsibilities is found in *Scope - Oversight/Steering Committee.*

4.4.1.2 OSC decision-making is governed by the *Participation Agreement.*

4.4.1.3 Officers of the OSC are selected in the manner set forth in the *Participation Agreement.*

4.4.2 Planning Working Group

4.4.2.1 The PWG is responsible for developing and performing the appropriate simulation studies to evaluate the transmission conditions in the Participants' service territories and recommend a coordinated solution for the various transmission limitations identified in the studies. A list of the PWG's responsibilities is found in *Scope - Planning Working Group.*

4.4.2.2 PWG decision-making is governed by the *Participation Agreement.*

4.4.2.3 Officers of the PWG are selected in the manner set forth in the *Participation Agreement.*

4.4.3 Transmission Advisory Group

4.4.3.1 The purpose of the TAG is to provide advice and recommendations to the NCTPC Participants to aid in the development of an annual Collaborative Transmission Plan. The TAG participants may propose economic studies for evaluation as described in Section 6 hereof. The TAG participants select which of those projects should be evaluated through the TAG Sector Voting Process. The TAG participants also provide input on the annual study scope elements of the Collaborative Transmission Plan Development (including input on the following: Study Assumptions; Study Criteria; Study Methodology; Technical Analysis and Study Results; Assessment and Problem Identification; Assessment and Development of Solutions (including proposing alternative solutions for evaluation); Selection of the Preferred Transmission Plan; the Collaborative Transmission Plan Report); Regional Project Selection Process; and Cost Allocation for Regional Projects. A full list of the TAG's responsibilities is found in *Scope - Transmission Advisory Group,* which is located on the NCTPC Website.

4.4.3.2 The ITP will chair the TAG meetings and serve as a facilitator for the group. TAG decision-making is by consensus among the TAG participants. However, in the event consensus cannot be reached, voting will be conducted through the TAG Sector Voting Process. The ITP will provide notice to the TAG participants in advance of the TAG meeting that specific votes will be taken during the TAG meeting.

4.4.3.3 Only TAG participants attending the meeting (in person or by telephone) will be allowed to participate in the TAG Sector Voting Process. No voting by proxy is permitted.

4.4.4 TAG Sector Voting Process.

4.4.4.1 In order for a TAG participant to participate in the TAG Sector Voting Process, the TAG participant must have registered with the ITP at least two weeks prior to the first meeting at which the TAG participant intends to vote. Such web-based registration will require the TAG participant to provide the following information to the

ITP: name, home or business address, place of employment (if any), email address (if any), and telephone number. The registration form will require the TAG participant to indicate whether the TAG participant is registering as an "Individual" or as an agent or employee of a "TAG Sector Entity." If the TAG participant registers as an agent, member, or employee of a TAG Sector Entity, s/he must identify such TAG Sector Entity. An individual TAG participant may register as an agent, member, or employee of more than one TAG Sector Entity.

4.4.4.2 A TAG Sector Entity may be any organized group (e.g., corporation, partnership, association, trust, agency, government body, etc.) but cannot be an individual person. A TAG Sector Entity may be a member of only one TAG Sector. A TAG Sector Entity and its affiliates or member organizations all may register as separate TAG Sector Entities, as long as such affiliates or member organizations meet the definition of a TAG Sector Entity.

4.4.4.3 A TAG Sector Entity should elect to be a member of one of the following TAG Sectors: Cooperative LSEs (that serve load in the NCTPC footprint); Municipal LSEs (that serve load in the NCTPC footprint); Investor-Owned LSEs (that serve load in the NCTPC footprint); Non-Enrolled Transmission Providers/Transmission Owners (that are not LSEs in the NCTPC footprint); Transmission Customers (a customer taking Transmission Service from at least one Transmission Provider in the NCTPC); Generator Interconnection Customers (a customer taking FERC- or state-jurisdictional generator interconnection service from at least one of the Transmission Providers in the NCTPC); Eligible Customers and Ancillary Service Providers (includes developers; ancillary service providers; power marketers not currently taking transmission service; and demand response providers); and General Public. An Individual is only eligible to join the General Public Sector.

4.4.4.4 Only one individual TAG participant that has registered as an agent or employee of a TAG Sector Entity may vote on behalf of a particular TAG Sector Entity with regard to any particular vote. An individual TAG participant may vote on behalf of more than one TAG

Sector Entity, if authorized to do so. Questions to be voted on will be answerable with a Yes or No.

4.4.4.5 If a vote is to be taken, each TAG Sector that has at least one TAG Sector Entity representative, or at least one Individual or TAG Sector Entity representative in the case of the General Public Sector, present will receive a Sector Vote with a worth of 1.00. A Sector Vote is divisible. The vote of each TAG participant eligible to vote in a Sector Vote is not divisible. The vote of each TAG participant in a TAG Sector will be multiplied by 1.00 divided by the total number or TAG participants voting in such Sector to determine how the Sector Vote with a total worth of 1.00 will be allocated between "Sector Yes Votes" and "Sector No Votes." That is, each Sector Vote will be allocated such that the Sector Yes Vote(s) and Sector No Vote(s) totals 1.00. The Sector Yes Vote and Sector No Vote for each TAG Sector will then each be weighted by multiplying each of them by 1.00 divided by the number of TAG Sectors participating in the relevant vote. The results will be called "Weighted Sector Yes Vote" and "Weighted Sector No Vote." The winning position will be the larger of the Weighted Sector Yes Vote and Weighted Sector No Vote. Appendix 2 contains an example of the voting process.

4.4.5 Independent Third Party

4.4.5.1 The ITP facilitates the overall NCTPC Process.

4.4.5.2 A list of the ITP's primary responsibilities is found in *Scope - Planning Working Group* and *Scope - Oversight/Steering Committee.*

4.4.5.3 The ITP also provides the leadership role in developing the Economic Study Process, subject to the oversight of the OSC.

4.4.5.4 The ITP maintains the content of the NCTPC Website.

4.4.5.5 The ITP's role in decision-making varies based on which group s/he is participating as documented in the NCTPC documents posted on the NCTPC Website.

4.5 Participation of State Regulators

State regulators, including state-sanctioned entities representing the public, like other members of the public, may choose to be TAG participants. State public utility regulatory commissions also may seek to receive periodic status updates and the progress reports on the NCTPC Process. State public utility regulatory commissions may be TAG Sector Entities in the General Public Sector.

5. NOTICE PROCEDURES, MEETINGS, AND PLANNING-RELATED COMMUNICATIONS

All information regarding transmission planning meetings and communications are located on the NCTPC Website.

5.1 Notice

5.1.1 Notice of all meetings of a component (TAG, PWG, OSC) will be by email to such component. All TAG meeting notices and agendas will be posted on the NCTPC Website.

5.1.2 Information about signing up to be a TAG participant and to receive email communications is posted on the NCTPC Website.

5.1.3 The OSC will publish highlights of its meetings on the NCTPC Website.

5.2 Location

5.2.1 The location of an OSC or PWG meeting will be determined by the component.

5.2.2 The location of a TAG meeting will be determined by the OSC.

5.2.3 Conference call dial-in technology will be available for meetings upon request.

5.3 Meeting Protocols

5.3.1 OSC

5.3.1.1 The OSC chair schedules meetings, provides notice, ensures that meeting minutes are taken, develops the agenda, chairs the meetings.

5.3.1.2 The OSC generally will meet at least monthly, and more frequently as necessary.

5.3.1.3 OSC meetings are open to the OSC members (including the ITP), their alternates, PWG members, and, if approved, guests.

5.3.2 PWG

5.3.2.1 The PWG chair schedules meetings, provides notice, ensures that meeting minutes are taken, develops the agenda, and chairs the meetings.

5.3.2.2 The PWG generally meets at least monthly, and more frequently as necessary.

5.3.2.3 PWG meetings are open to the PWG members, the ITP, the OSC (and their alternates), and, if approved, guests.

5.3.3 TAG

5.3.3.1 TAG meetings are chaired and facilitated by the ITP.

5.3.3.2 The TAG generally meets four times a year.

5.3.3.3 Meetings of the TAG generally are open to the public, i.e., TAG participants. When necessary, TAG meetings may be restricted by the ITP to TAG participants that are qualified to receive Confidential Information.

5.3.3.4 A yearly meeting and activity schedule is proposed, discussed with, and provided to TAG participants annually.

6. OVERVIEW OF ECONOMIC STUDY PROCESS

6.1 The Economic Study Process is the process that allows the TAG participants to propose economic upgrades to be studied as part of the Transmission Planning Process. The Economic Study Process evaluates the means to increase transmission access to potential supply resources inside and outside the Control Areas of the Transmission Providers. This economic analysis provides the opportunity to study what transmission upgrades would be required to reliably integrate new resources.

6.2 The Economic Study Process begins with the TAG participants proposing scenarios and interfaces to be studied. The information required and the form necessary to submit a request as well as the submittal deadline is reviewed and discussed with the TAG participants early in the annual planning cycle. The form is posted on the NCTPC Website. The PWG will determine if it would be efficient to combine and/or cluster any of the proposed scenarios and will also determine if any of the proposed scenarios are of an Inter-Regional nature. The OSC will direct the TAG participants to submit the Inter-Regional study requests to the Southeast Inter-Regional Participation Process since those studies would have to be evaluated within that forum. Throughout the Economic Study Process, TAG participants (including TAG participants representing transmission solutions, generation solutions, and solutions utilizing demand resources) may participate.

6.2.1 The OSC will review the PWG analysis, approve the compiled study list, and provide the study list to the TAG. For the study scenarios that impact the NCTPC region, but are not Inter-Regional in nature, the TAG participants will select a maximum of five scenarios that will be studied within the current NCTPC planning cycle. If consensus cannot be reached as to which scenarios to study, the choice will be resolved through the TAG Sector Voting Process. The TAG participants may request that the five scenarios be combined or clustered.

6.2.2 There will be no charge to the TAG participants for the five studies selected by the TAG participants. However, if a particular TAG participant wants the NCTPC to evaluate a scenario that was not chosen by the TAG participants, then the TAG participant can request to have the NCTPC conduct the study. The NCTPC will evaluate this request and will conduct the study if the study can be reasonably accommodated, however the cost of conducting this additional study will be allocated to that specific TAG participant.

6.2.3 The final results of the Economic Study Process include the estimated costs and schedules to provide the increased transmission capabilities. The Economic Study Process results are reviewed and discussed with the TAG participants.

7. COLLABORATIVE TRANSMISSION PLAN DEVELOPMENT

The NCTPC Process is an iterative process that ultimately results in a single Collaborative Transmission Plan that appropriately balances the costs, benefits and risks associated with the use of transmission, generation, and demand-side resources.

7.1 Overview of the Collaborative Transmission Plan Development

7.1.1 Each year, the OSC will initiate the process to develop the annual Collaborative Transmission Plan.

7.1.2 The OSC will provide notice of the commencement of the process to develop the annual Collaborative Transmission Plan via e-mail to the TAG and posts a notice on the NCTPC Website.

7.1.3 The process will allow for flexibility to make modifications to the development of the plan throughout the year as needs change, new needs arise, or new solutions to problems are identified.

7.1.4 The schedule for all of the activities will be set by the PWG and OSC, but will vary from year to year. The basic order of events is as set forth in this Section 7, although the planning process is an iterative one. A list of relevant dates established for the planning cycle will be posted on the NCTPC website.

7.1.5 Although a Collaborative Transmission Plan is issued each planning year, because the Regional Project Selection Process (set forth in Section 8) takes more than one year to complete, in the first planning year after the effective date of this version of Attachment N-1, there will be no Regional Projects that have been selected for inclusion in the Collaborative Transmission Plan. In the second planning year, and planning years thereafter, there may be Regional Projects selected for inclusion in the Collaborative Transmission Plan. The following table provides an overview of the major tasks performed by the NCTPC, the TAG, and Developers and the approximate quarter in which they will occur, taking into account the difference between the first planning year and all subsequent planning years.

Overview of Planning Process by Quarter

	Q1 – Year 1 Only	Q2 – Year 1 Only	Q3 – Year 1 Only	Q4 – Year 1 Only	Q1 – Subsequent Years	Q2 – Subsequent Years	Q3 – Subsequent Years	Q4 – Subsequent Years
NCTPC	Obtain data, select assumptions, develop base case and change case models. Determine if any public policies are driving transmission needs.	Perform technical analysis, identify reliability problems. Run § 6 economic studies.	Develop and propose solutions to reliability problems and needs driven by public policy, if any. Finalize § 6 economic study results.	Issue draft Plan. Review Comments on draft Plan. Issue final Plan. Perform screening analyses on Regional Project Proposals	Same as Q1, Year 1. Plus: Perform Regional Project selection process.	Same as Q2, Year 1. Plus: Complete Regional Project selection process and issue draft and final Regional Project selection reports.	Same as Q3, Year 1. Plus: Negotiate MOU if any Regional Projects selected.	Same as Q4, Year 1. Plus: Finalize MOU if any Regional Projects selected.
TAG	Provide input regarding data, assumptions, base case models, change case models. Identify public policies driving transmission needs. Choose five economic studies. Obtain models and data to perform analysis.	Review NCTPC identified reliability problems.	Review NCTPC-proposed solutions and Regional Projects. Propose alternatives to NCTPC-proposed solutions and Regional Projects.	Provide comments on draft Plan. Review Regional Project Proposals. Provide comments on Regional Project Proposals and screening analyses.	Same as Q1, Year 1. Plus: Participate in meetings to discuss Regional Projects.	Same as Q2, Year 1. Plus: Comment on draft Regional Project selection report.	Same as Q3, Year 1.	Same as Q4, Year 1.
Dev.	Obtain models and data to perform analysis.	Develop proposals for Regional Projects.	Propose Regional Projects.	Provide additional data on Regional Project Proposal if requested.	Same as Q1, Year 1. Plus: Participate in meetings to discuss Regional Projects.	Same as Q2, Year 1.	Same as Q3, Year 1. Plus: Negotiate MOU if selected.	Same as Q4, Year 1. Plus: Finalize MOU if selected.

Notes:

- Dev. = Developer
- A Developer may be member of the TAG and perform TAG tasks as well.

7.2 Process to identify if any public policies exist that drive transmission needs.

7.2.1 Each year, the OSC will determine if any there are any public policies driving the need for transmission.

7.2.1.1 The OSC will seek input (e.g. written comments) prior to the first quarter (Q1) TAG meeting from TAG participants, asking that they identify any public policies that are driving the need for transmission, pursuant to the criteria below.

7.2.1.2 The OSC may itself identify public policies that are driving the need for transmission.

7.2.1.3 There will be a discussion at the Q1 TAG meeting as to whether there are public policies that are driving the need for transmission.

7.2.2 Criteria for determining if public policy drives transmission need.

7.2.2.1 Public policy must be reflected in state, federal, or local law or regulation (including order of a state, federal, or local agency).

7.2.2.2 A transmission need will not be considered to be driven by public policy, if the need is readily addressed through the individual resource planning processes of LSEs and individual requests for Network Resource designations, i.e., where there is no apparent benefit to a collective approach.

7.2.3 The OSC will issue a decision as to whether any public policies are driving transmission needs within two weeks of Q1 TAG meeting and post such determination on the NCTPC Website. If one or more public policies are identified as driving transmission needs, the NCTPC will consider solutions to those needs and TAG participants may suggest Local or Regional Projects to meet those needs in accordance with the planning process. If no policies are identified for the planning year, public policy projects cannot be proposed as solutions.

7.3 Study Assumptions

7.3.1 The PWG will select the study assumptions for the analysis based on direction provided by the OSC.

7.3.2 Once the PWG identifies the study assumptions, they will be reviewed with the TAG participants before the set of final assumptions are approved by the OSC. The process for this dialogue is in-person meetings, written submissions, and/or other forms of communication selected by TAG participants. Input should be provided in the timeframes agreed upon.

7.3.3 The study assumptions shall be set forth in an annual *Study Scope Document.*

7.3.4 The Transmission Providers will prepare the base case models. These models will be reviewed with the PWG to ensure that they represent the study assumptions approved by the OSC. TAG participants also may, upon request, review the base case models and provide input to the PWG with regard to whether the models represent the study assumptions approved by the OSC.

7.3.5 The Transmission Providers will also develop the necessary change case models as required to evaluate different resource supply scenarios and economic scenarios as directed by the OSC. Such change case models will also be reviewed with the PWG to ensure that they represent the study assumptions approved by the OSC. TAG participants also may, upon request, request to review the change case models and provide input to the PWG with regard to whether the models represent the study assumptions approved by the OSC.

7.3.6 In order to ensure comparability, customers taking Network Transmission Service are expected to accurately reflect their demand response resources appropriately in their annual load forecast projections. Customers taking Point-to-Point Transmission Service are expected to accurately reflect their demand response resources in submitting their requests for Transmission Service and in submitting information about potential needs for Point-to-Point Transmission Service. Eligible Customers providing information about potential needs for Point-to-Point Transmission Service are expected to accurately reflect their demand response resources in submitting information. To the extent a TAG participant has a demand response resource or a generation resource that the TAG participant desires the NCTPC to specifically consider as an alternative to transmission expansion, or otherwise in conjunction with the NCTPC Process, such TAG participant sponsoring such demand response resource or generation resource shall provide the necessary information (cost, performance, lead time to install, etc.) in order for the NCTPC to consider such demand response resource or generation resource alternatives comparably with other alternatives.

7.4 Study Criteria

7.4.1 The PWG establishes the planning criteria by which the study results will be measured, in accordance with NERC and SERC Reliability Standards and individual Transmission Provider criteria. TAG participants may review and comment on the planning criteria.

7.4.2 Transmission System planning documents of the Transmission Providers will be posted on their respective OASIS sites. Some planning documents may not be posted due to CEII and confidentiality concerns, but will be identified such that they can be requested via the methodology posted on the relevant OASIS.

7.5 Data Collection and Case Development

7.5.1 The most current Multi-Regional Modeling Working Group (MMWG) or SERC Long-Term Study Group model will be used for the systems external to the Transmission Providers as a starting point for the base case to be used by the Transmission Providers. The base case will include the detailed internal models for the Transmission Providers and will include current transmission additions planned to be in-service for given years.

7.5.2 A Merchant Transmission Developer that is considering constructing a project that will interconnect with the facilities of a Transmission Provider is encouraged to provide the following information to the NCTPC in Q1: Location of proposed facilities; Substation(s) where Merchant Transmission Developer proposes to interconnect or add its facilities; Proposed voltage and nominal capability of new facilities or increase in capability of existing facilities; Description of proposed facilities and equipment; and Planned date the proposed facilities will be in service. The provision of such information to the NCTPC, however, will not be treated as a substitute for a request for interconnection service. A formal interconnection request is still required and should be directed to the relevant Transmission Provider(s).

7.5.3 The following data are relevant to the development of internal models for the Transmission Providers:

Load and resource projections provided by network customers (including the native load of the NCTPC Participants);

Confirmed, firm point-to-point transmission service reservations (including rollover rights);

Generation real and reactive capacity data;

Generation dispatch priority data;

Transmission facility impedance and rating data;

Merchant Transmission Developer projects, if: 1) interconnection service has been requested of Transmission Provider(s); 2) all necessary interconnection studies have been completed; 3) any necessary certificates of public convenience have been obtained from the relevant state(s); and 4) the Merchant Transmission Developer has submitted an attestation or other evidence that a minimum of 50% of the capacity of the facility has been subscribed; and

Interchange data adjusted to correctly model transfers associated with designated network resources from outside the Transmission Providers' Control Areas.

7.5.4 The Transmission Providers collect the necessary planning data and information that are not already in their possession. Any guidelines, data formats, and schedules for any data and information exchanges will be established by the PWG. Aside from the annual submission of data by Network Customers, the timing of this data collection process is established as part of the development of the annual study work plan that is prepared by the PWG, reviewed with the TAG participants, and approved by the OSC.

7.5.5 A Merchant Transmission Developer should inform the NCTPC in writing if the following conditions have been met with regard to a proposed project: 1) interconnection service has been requested of Transmission Provider(s); 2) all necessary interconnection studies have been completed; 3) any necessary certificates of public convenience have been obtained from the relevant state(s); and 4) the Merchant Transmission Developer has submitted an attestation or other evidence that a minimum of 50% of the capacity of the facility has been subscribed.

7.5.6 TAG participants may provide additional input into the data collection process (i.e., the provision of data not required to be submitted under this Tariff), such as providing information on future point-to-point transmission service scenarios. Such non-required information may be used in the appropriate study process.

7.5.7 Transmission customers should provide the Transmission Providers with timely written notice of material changes in any information previously provided relating to load, resources, or other aspects of their facilities or operations affecting the Transmission Provider's ability to provide service. Network customers may provide revised versions of previously submitted annual data reporting forms.

7.5.8 Additional cases will be developed as required for different scenarios to evaluate other options to meet load demand forecasts in the study, including where fictitious or as yet undesignated network resources are deemed to be designated. Other cases may be developed and approved by the OSC to evaluate enhanced access scenarios, such as predicted future point-to-point transmission uses, as submitted by the TAG participants.

7.5.9 The Case Development details will be identified in the annual *Study Scope Document.*

7.5.10 Sufficient information will be made available, subject to CEII and confidentiality restrictions, to enable TAG participants to replicate the results of planning studies. A TAG participant seeking data and information that would allow it to replicate the NCTPC planning studies should provide such request to the ITP, who will verify that confidentiality requirements described in Section 13 have been met before providing such information.

7.5.11 Status Reports

7.5.11.1 In Q2, the Transmission Providers and any Developers responsible for approved Local and Regional Projects will provide the ITP a written report on the status of the transmission upgrades presented in the previous Collaborative Transmission Plans. A composite update will be posted on the NCTPC Website and will include the following information: the name of the project, the issue it resolves, the name of the relevant Transmission Provider(s), the original planned in-service date and the current expected in-service date and an explanation of the reasons for any change. This report will be reviewed at the Q2 TAG meeting. Cost estimates will also be updated at this time. For projects on which work has commenced, the total estimated cost and remaining cost will be included.

7.6 Study Methodology

7.6.1 The PWG determines the methodologies that will be used to carry out the technical analysis required for the approved studies. The PWG also determines the specific software and models that will be utilized to perform the technical analysis. The study methodology will be identified in the annual *Study Scope Document.* TAG participants may review and comment on the study methodology.

7.7 Technical Analysis and Study Results

7.7.1 The PWG performs the technical study analysis in accordance with the OSC approved study methodology and produces the study results.

7.7.2 Results from the technical analysis are reported to identify transmission elements approaching their limits such that all NCTPC Participants are made aware of potential issues and appropriate steps can be identified to correct these issues, including the potential of identifying previously undetected problems.

7.7.3 Study results are made available to the TAG participants for review and comment.

7.8 Assessment and Problem Identification

7.8.1 The Transmission Providers provide the summary data identifying the reliability problems and causes resulting from their assessments and comprehensively review the information with the PWG. The PWG evaluates the technical results provided by the Transmission Providers to identify problems and issues and reports to the OSC.

7.8.2 TAG participants are provided information relating to technical assessments and problem identification.

7.9 Project Solution Development

7.9.1 The PWG identifies potential solutions to the transmission problems identified and will test the effectiveness of the potential solutions through additional analysis as required and ensure that the solutions meet the study criteria previously developed.

7.9.2 TAG participants will have the opportunity to propose alternative transmission, generation and/or demand response solutions. TAG participants shall provide the necessary information (cost, performance, lead time to install, etc.) for proposed generation and/or demand response alternative solutions so that they may be compared with other alternatives. A Developer proposing a Regional Project as a solution must do so in accordance with the steps set forth in Section 8.

7.9.3 A Merchant Transmission Developer may propose a participant-funded project as an alternative solution and use this planning process to promote the proposal among TAG stakeholders.

7.9.4 All solution options that satisfactorily resolve an identified reliability problem would be given consideration on a comparable basis.

7.9.5 The Transmission Providers estimate the costs for each of the proposed solutions, other than Regional Projects, and develop a rough schedule estimate to implement the solutions. This information is reviewed and discussed by the PWG. Cost estimates for transmission solutions will be prepared in accordance with NCTPC cost estimate guidelines, which will be posted on the NCTPC website.

7.10 Selection of Preferred Transmission Plan

7.10.1 Taking into account the Final Report on Regional Project Selection, the PWG selects the preferred set of solutions to be recommended for inclusion in the Collaborative Transmission Plan by considering the solutions' costs, benefits, and associated risks and determining the most reliable and cost effective solutions.

7.10.2 The PWG provides the OSC and the TAG participants with their recommendations based on this selection process in order to obtain their input.

7.11 Collaborative Transmission Plan Report

7.11.1 The PWG prepares a draft "Collaborative Transmission Plan Report" ("Draft Plan") based on the study results and the recommended solutions and provides the draft to the OSC for review. The Draft Plan describes the plan in a manner that is understandable to the TAG participants (e.g., describing any needs, the underlying assumptions, applicable planning criteria, and methodology used to determine the need), rather than simply reporting engineering results. The Draft Plan includes a comprehensive summary of all the study activities as well as the recommended solutions including estimates of costs and construction schedules.

7.11.2 The OSC forwards the Draft Plan to the TAG participants for their review and discussion. The PWG members are the technical points of contact that can respond to questions regarding modeling criteria, assumptions, and data underlying the Draft Plan. The TAG participants may discuss, question, or propose alternatives for any upgrades identified by the Draft Plan.

7.11.3 The OSC evaluates the results and the PWG recommendations and the TAG participants' input. The OSC approves the final Collaborative Transmission Plan for posting on the NCTPC Website. The Plan also is posted on the Transmission Providers' OASIS and distributed to the TAG participants. If a Regional Project is included in the Collaborative Transmission Plan it has been selected for regional cost allocation in a regional transmission plan.

7.11.4 The Collaborative Transmission Plan allows the NCTPC Participants to identify alternative, least-cost resources to include with their respective Integrated Resource Plans. Others can similarly use this information for their own resource planning purposes.

7.11.5 The Collaborative Transmission Plan, and the associated models, serve as the basis for the models that the Transmission Providers provide as input to the development of the SERC-wide model as described in Section 7.5.

8. REGIONAL PROJECT SELECTION PROCESS

This Section sets forth the methodology used by the NCTPC to determine if any Regional Projects should be included in the Collaborative Transmission Plan.

8.1 Regional Projects are projects that:

8.1.1 Typically encompass multiple Transmission Providers' footprints; however if it can be demonstrated that a transmission project within a single Transmission Provider's footprint provides regional benefits, it can qualify;

8.1.2 Are of a voltage level of 230 kV or above;

8.1.3 Have a project cost of at least $10 million;

8.1.4 Will be subject to the Tariff of the Transmission Provider(s) for open access purposes;

8.1.5 Must be materially different than a project or projects currently in the Collaborative Transmission Plan. As an example, a Developer may not simply "bundle" several transmission projects that are currently in the Collaborative Transmission Plan and claim that it is a Regional Project. Examples of how a Regional Project might materially differ from a project already included in the plan include changes in equipment size or different terminal bus locations, among other things.

8.2 Submission of Regional Project Proposals

8.2.1 The NCTPC will announce a date in Q3 by which all Developers must submit Regional Project Proposals. Such Regional Project Proposals must include the two sets of information identified below: Project Information to be Submitted with Regional Project Proposals and Developer Qualification Information to be Submitted with Regional Project Proposals. In providing such information, Developer should take into account the project selection criteria identified in Section 8.4.3. The Developer must also submit a deposit of $25,000. The actual costs incurred by the NCTPC to analyze Regional Projects will be borne by the Developer and the deposit will be trued up based on the documented cost of the analysis.

8.2.2 A Regional Project Proposal may include upgrades to existing or proposed (i.e., facilities that a Developer is expected to own but are not yet in service) facilities of one or more transmission providers, Non-Incumbent Developers, or Merchant Transmission Developers. If a

Regional Project Proposal includes such upgrades and the Developer is not also the owner of the facilities to be upgraded, the Developer must offer the owner of the facilities the option to design, build, operate, and maintain the portions of the Regional Project that are upgrades to such owner's facilities. If the owner of the facilities to be upgraded declines to design, build, operate, and/or maintain the portions of the Regional Project that are upgrades to its facilities, the Developer proposing the Regional Project may design, build, operate, and/or maintain the portions of the Regional Project that are upgrades to the owner(s)' facilities. Nothing in this OATT affects any Developer's rights under state law with regard to its real property (including rights of way and easements).

8.2.3 Project Information to be Submitted with Regional Project Proposals. The list below should be considered the required elements of a proposal. In determining what information to submit, Developers should consider the criteria which may be taken into account in determining whether to select a Regional Project:

8.2.3.1 Description of Owner(s);

8.2.3.2 Transmission project technical information:

(a) Description of the transmission facilities being proposed (e.g., voltage levels, etc.);

(b) If a transmission line(s), general path of the line(s);

(c) Any interconnection points with the transmission system;

(d) In-service date for the project(s);

8.2.3.3 Estimated cost of the project(s) (total estimated capital cost of project, fully loaded including contingencies and overhead, expressed in current year dollars)

8.2.3.4 Project financing approach;

8.2.3.5 Explanation of how project will abide by any transmission standards of Transmission Provider(s) with which project will interconnect;

8.2.3.6 Potential impacts to other transmission projects in the prior year's plan;

(a) Identification of the proposed transmission project(s) that would be avoided if Regional Project selected;

(b) Schedule or project modification impacts;

(c) Cost impacts (both positive and negative);

(d) This impact analysis should take into account the status of the proposed transmission projects that would be avoided;

8.2.3.7 Reliability impact assessment;

8.2.3.8 Load flow cases that demonstrate the expected performance of the project(s);

8.2.3.9 Whether the project would require state transmission siting proceedings, National Environmental Policy Act review, or federal permits. Describe the legal authority, if any, that will need to be obtained by the Developer to site/own transmission under relevant state law. Identify the authorized governmental body that will review the Developer's applications for siting approval for projects within the NCTPC region.

(a) Describe the process the Developer will use to obtain transmission siting approval including the authority to acquire rights of way by eminent domain, if necessary, that would facilitate approval and construction of the project.

(b) Describe the process that the Developer will use for the preparation of any required application for siting approval, including milestones and a description of supporting studies and other evidence.

(c) Describe the Developer's experience in the areas above.

8.2.3.10 The projected costs of the transmission project(s) being avoided, which cost estimates would be available in the prior year's Collaborative Transmission Plan, should be used in developing this proposal.

8.2.4 Developer Qualification Information to be Submitted with Regional Project Proposals

In addition to providing information about the entity that will develop and own the Regional Project, a Developer may provide information, as relevant, about affiliates and parent entities. Once a Developer has passed the Developer Analysis Screen for a Regional Project Proposal, the Developer will not have to resubmit the complete Qualification Information for other projects of comparable or lesser price and scope, but instead is permitted to indicate whether there are material changes that should be made to the information provided in its prior submission. If a Developer seeks to have any of the information being submitted treated as Confidential Information, it should so identify such information as Confidential Information and its release to TAG participants will be governed by Section 13.

8.2.4.1 Financial

(a) Current credit rating from Moody's Investor Services, Standard & Poors, and/or Fitch if available;

(b) Ability to assume liability for major losses resulting from failure of facilities;

(c) To the extent a Developer is an electric utility and relies on an affiliated transmission and distribution utility for credit, investment, or other financing arrangements, it shall demonstrate that any such arrangement complies with applicable legal and regulatory requirements and restrictions;

(d) Provide a summary of any history of bankruptcy, dissolution, merger, or acquisition of the project developer or any predecessors in interest for the current calendar year and the five calendar years immediately preceding its submission of information related to affiliated entities.

8.2.4.2 Construction

(a) Technical and engineering qualifications and experience;

(b) Past history of meeting transmission project schedules;

(c) Capability to adhere to standardized construction practices;

(i) If the Developer intends to build the transmission project and then turn it over to another Transmission Provider for operations and maintenance, the Developer must demonstrate that it will meet any additional engineering standards of the Transmission Provider who will be performing the operations and maintenance (O&M).

(d) Past history regarding construction of transmission facilities;

(i) Cost containment capability and other advantages the Developer may have to build the specific project.

(ii) A discussion of the Developer's business practices that demonstrate that its business practices are consistent with good utility practices for proper licensing, designing, ROW acquisition, constructing, operating and maintaining transmission facilities that will become part of the transmission grid.

8.2.4.3 O&M/Reliability

(a) Past history regarding O&M of transmission facilities and/or contracting for the O&M of transmission facilities;

(b) Capability to adhere to standardized O&M practices;

(c) Plan on how it intends to comply with all applicable reliability standards and obtaining the appropriate NERC certifications;

(d) Past record of compliance with NERC standards.

8.2.4.4 Legal/Regulatory

(a) For the current calendar year and the previous five calendar years, provide a list and descriptive summary of violations of law and/or regulation by the Developer as determined by federal or state courts, federal regulatory agencies, state public utility commissions, other regulatory agencies, or attorneys general, that resulted in a monetary payment (including settlements) and arose related to the Developer's transmission business.

(b) A summary of any instances in which the Developer is currently under investigation or is a defendant in a proceeding involving an attorney general or any state or federal regulatory agency, for violation of any laws, including regulatory requirements that relate to its transmission business.

8.2.4.5 Developer shall include an affidavit by an officer of the project developer stating that the information that is being submitted is true and that the project developer will comply with the provisions identified in the qualification data submittal.

8.2.5 The ITP will review the Regional Project Proposals and ensures that they are complete. If incomplete, the Developer(s) will be given an explanation of the deficiencies and an opportunity to resubmit its proposal within 14 days. The purpose of this review is to ensure that the NCTPC has sufficient information to perform the screening analyses discussed below.

8.2.6 All Regional Project Proposals will be posted on the NCTPC website shortly after the due date for such proposals.

8.3 Screening Process for Regional Projects

To be selected as a Regional Project, a Regional Project must pass three high-level screening analyses the purpose of which is to screen out non-viable Regional Projects and/or unqualified Developers. TAG participants may provide written comments to the OSC as to whether a Developer should pass or fail the screening analyses. To the extent possible, the OSC will work with the Developer during this screening analyses process to identify and resolve potential issues that might cause one or more of the screening analyses to fail. The OSC may seek additional information from a Developer in order to perform the screening analyses.

8.3.1 Developer Screen

8.3.1.1 The OSC will determine if a Developer appears sufficiently qualified to finance, license, and construct the Regional Project and operate and maintain it for the life of the project.

8.3.1.2 If a Developer lacks an Investment Grade Bond Rating from two of the following three credit rating agencies: Moody's, Standard and Poors, Fitch, it may be required to provide additional evidence of its financial abilities, including indicating a willingness to post security if its Regional Project is selected in the Collaborative Transmission Plan.

8.3.1.3 If a Developer "passes" the Developer Screen, the Developer remains qualified for later submissions for other Regional Projects of comparable cost and scope as the Regional Project for which it was originally evaluated, even if prior projects are never included in a Collaborative Transmission Plan, subject to an attestations that the other data initially submitted remain true and correct.

8.3.2 Technical Analysis Screen

8.3.2.1 PWG reviews power flow and other technical documentation regarding Regional Project Proposal and recommends to OSC whether the Regional Project passes or fails the Technical Analysis, i.e., whether it is feasible from a reliability standpoint. PWG will examine the following factors to the extent applicable:

(a) Impacts on other transmission projects in the plan (schedule or project modification impacts);

(b) Reliability impacts;

(c) Operational impacts, including but not limited, to impacts on congestion, constraints and Available Transfer Capability;

(d) Risk factors;

(e) Cost estimates;

(f) Whether the Regional Project solves the same issues as the transmission projects being avoided.

8.3.2.2 OSC reviews PWG recommendation and determines whether the Regional Project passes or fails.

8.3.3 Benefit Analysis Screen

8.3.3.1 The OSC reviews Developer's analysis to ensure the Regional Project Proposal meets a 1.25 Benefit/Cost ratio.

8.3.4 The OSC will issue a written report on the screening analyses results.

8.3.5 Failure of Screening Analyses

8.3.5.1 If a Regional Project fails any of the three screening analyses, any other analysis will be stopped.

8.3.5.2 If Regional Project fails any analysis, Developer may challenge such determination through the Dispute Resolution process.

8.3.5.3 A Developer may revise a Regional Project Proposal that has failed and submit it during the next window for submitting Regional Projects.

8.4 Regional Project Selection

The PWG and OSC, assisted by the TAG participants, will undertake a thorough review of all Regional Projects that passed the screening analyses to determine which Regional Projects will be included in the Collaborative Transmission Plan issued in the year following the year in which the Regional Project Proposal was submitted.

8.4.1 Project Meetings: The OSC will direct the ITP to work with the Developers to schedule meetings, as needed, to more fully vet the Regional Project proposals. These meetings will be the venue to discuss the proposed project including the transmission technical aspects, transmission project cost, computation of the benefits, the allocation of costs to the proposed beneficiaries, and qualification of Developers. Meetings will be open to the public and notice will be provided on the NCTPC website. Additional information may be sought from the Developer, if deemed necessary.

8.4.2 The OSC will seek written comments from the TAG participants on Regional Project Proposals, including the qualifications of Developers and the proposed cost allocation. Such comments will be made public. Commenters may want to address the criteria listed in Section 8.4.3 in submitting comments.

8.4.3 OSC determines which Regional Projects should result in a more efficient and cost-effective transmission system. Specifically, the NCTPC will confirm that the Developer is deemed adequately capable with regard to the three areas below. If multiple Developers are proposing mutually exclusive Regional Projects, these factors will be used on a comparative basis:

8.4.3.1 Engineering Design (Reliability/Quality/General Design): Measures whether the Developer has necessary capability with regard to ensuring an appropriate quality of design, material, technology, and life expectancy of a Regional Project.

(a) Type of construction (wood, steel, design loading, etc.)

(b) Losses (design efficiency)

(c) Estimated life of construction

(d) Reliability/Quality Metrics

8.4.3.2 Construction (Project Management): Measures whether Developer has necessary capability with regard to constructing projects similar in scope.

(a) Engineering

(b) Environmental

(c) ROW Acquisition

(d) Procurement

(e) Project Management (including scope, schedule management)

(f) Construction

(g) Commissioning

(h) Timeframe to construct

(i) Experience/Track Record

8.4.3.3 Operations (Operations/Maintenance/Safety): Measures whether Developer has necessary capability with regard to safely operating, maintaining, and restoring transmission projects.

(a) NERC compliance – process/history

(b) Storm/Outage response plan

(c) Reliability metrics

(d) Restoration Experience/Performance

(e) Maintenance Staffing/Training

(f) Maintenance plans

(g) Equipment

(h) Maintenance performance/expertise

(i) Internal safety program

(j) Contractor safety program

(k) Safety performance record (program execution)

8.5 Draft Report and Final Report on Regional Project Selection

8.5.1 The OSC will issue a Draft Report on Regional Project Selection indicating which Regional Projects are approved and which are not and provide a written basis for its decision. Such Draft Report on Regional Project Selection will include the proposed cost allocation for the Regional Projects' Transmission Revenue Requirements.

8.5.2 The TAG participants will be asked to comment on the OSC's Draft Report on Regional Project Selection.

8.5.3 After considering any comments received, OSC issues a Final Report on Regional Project Selection which includes a list of approved Regional Projects.

8.6 Disputes over the approval or failure to approve Regional Projects will be addressed through the Dispute Resolution provisions.

8.7 Activities After Issuance of the Final Regional Project Selection Report

8.7.1 Because Non-Incumbent Developer(s) have no written contractual or tariff relationship with the Transmission Providers the following process is intended to provide sufficient documentation relating to the written contractual relationship that must be formed. Ultimately, the Non-Incumbent Developer(s) of a Regional Project will enter into a Non-Incumbent Developer Interconnection Agreement with the Transmission Providers that own the facilities with which an approved Regional Project will interconnect and/or to whom costs will be allocated that sets forth the rights and obligations of the parties as to the Regional Project. Because the development of such final contractual arrangements may take some time, the MOU process described below will be used to establish that there is a sufficient meeting of the minds as to the rights and obligations of the project to include the Regional Project in the Collaborative Transmission Plan. A Regional Project will not be included in the Collaborative Transmission Plan unless an MOU is executed. Note that a Collaborative Transmission Plan may be updated, and such update may be for the purpose of including a Regional Project for which the MOU was not executed on the date the Collaborative Transmission Plan became final.

8.7.2 After a Regional Project is approved by the OSC in the Final Report on Regional Project Selection discussed in Section 8.5, the Transmission Providers will negotiate an MOU with the Non-Incumbent Developer that will be the basis for the Non-Incumbent Developer Interconnection Agreement. Such MOU will include:

8.7.2.1 Interconnection provisions;

8.7.2.2 Provisions indicating allocation of responsibility for meeting NERC standards;

8.7.2.3 Provision indicating that transmission service over facilities will be provided pursuant to the Transmission Providers' OATT(s) and delineation of which facilities are subject to which OATT;

8.7.2.4 Provisions relating to operational control of the facilities;

8.7.2.5 Provisions regarding allocation of costs;

8.7.2.6 A development schedule that indicates the required steps, such as the granting of state approvals, necessary to develop and construct the transmission facility;

8.7.2.7 Provisions regarding responsibility for physical operation of Regional Project and maintenance of Regional Project;

8.7.2.8 Provisions regarding the assignment of the Non-Incumbent Developer Interconnection Agreement in the event the Developer seeks to assign such Agreement in the future;

8.7.2.9 Provisions regarding liability/indemnification.

8.7.3 It is intended that the MOU provide sufficient contractual certainty to allow a Developer to seek siting approval and financing for a Regional Project. If additional contractual certainty is required, the Transmission Providers and Developers will use their best efforts to enter into such document(s) on an expedited basis, but this contract activity will not delay the inclusion of the Regional Project in the Collaborative Transmission Plan.

9. COST ALLOCATION FOR REGIONAL PROJECTS

9.1 OATT Cost Allocation

With the exception of "Regional Projects" nothing in this Attachment is intended to alter the cost allocation policies of the Tariff.

9.2 Costs Allocated to Transmission Providers Based on Determination of Relative Benefits

The Transmission Providers, who are identified in the enrollment process described in this Attachment, are the beneficiaries to whom costs of Regional Projects will be allocated. Cost allocations will be reflected in terms of a percentage of the relevant Transmission Revenue Requirement for a Regional Project being allocated to each Transmission Provider.

9.3 Cost Allocation for Regional Projects

The cost allocation methodology for Regional Projects is based on an "avoided transmission cost benefits" approach. An avoided transmission cost benefit can be demonstrated by showing that a Regional Project is a more efficient and cost-effective transmission solution to meet the needs of the Transmission Providers than the individual Transmission Providers' developing projects to meet such needs on a stand-alone basis. The relative benefits will be measured by comparing the costs to Transmission Providers of the planned alternatives of each Transmission Provider. A 1.25 Benefit to Cost ratio must be demonstrated for Regional Projects.

The Benefit to Cost ratio calculation would be expressed: Total Cost of Transmission Avoided ÷ Cost of the Regional Project (including the cost of any additional projects required to implement the proposal) ≥ 1.25.

The avoided cost approach formula can be expressed as follow:

> (Transmission Provider$_x$'s Avoided Cost/Total Avoided Cost) * cost of Regional Project = Transmission Provider$_x$'s Cost Allocation

> (Transmission Provider$_y$'s Avoided Cost/Total Avoided Cost) * cost of Regional Project = Transmission Provider$_y$'s Cost Allocation

Note that the costs of a Regional Project may be allocated 100% to a single Transmission Provider but some portion of the Regional Project must be located in the footprint of the Transmission Provider whose allocation is 0%; otherwise the project would be a Local Project.

If a Transmission Provider does not avoid any transmission costs, it is not a beneficiary and is not allocated any costs.

10. REGIONAL PROJECT DEVELOPMENT

10.1 The NCTPC may delay, revise, or cancel a Regional Project included in the Collaborative Transmission Plan if subsequent events result in a finding that the expected benefits of the Regional Project will be significantly different due to a change in circumstances. Decisions regarding such matters will take into account the current status of a Regional Project. The Non-Incumbent Developer Interconnection Agreement will address the issue of cost recovery in the event of a cancellation of a Regional Project after such agreement is executed.

10.2 Process if Developer Abandons a Regional Project

If a Regional Project is abandoned by a Developer, the impacted Transmission Providers may seek to complete the Regional Project (in accordance with all applicable laws and regulations) or to propose alternative projects (including non-transmission alternatives) that will ensure that any reliability need is satisfied in an adequate manner. If a NERC Registered Entity believes that abandonment will cause it to violate a specific NERC Reliability Standard, and the Transmission Providers have not chosen to complete the project in order to prevent the violation, or cannot complete such a project in a timely fashion, the NERC Registered Entity will be expected to submit a mitigation plan to the appropriate entity to address the violation. A copy of the mitigation plan should also be submitted to the NCTPC.

10.3 Delays in Completion of Regional Project

The MOU and/or the Non-Incumbent Developer Interconnection Agreement will include a development schedule with specific Milestones. For Incumbent Developers, the Milestones will be set forth in a document in a form acceptable to the NCTPC.

10.3.1 Developers of Regional Projects will have an obligation to report delays in project development and construction of Regional Projects to the NCTPC on a Milestone-by-Milestone basis.

10.3.2 If a delay in the completion of a Regional Project potentially would cause a Registered Entity to violate a NERC Reliability Standard, the Registered Entity should inform the NCTPC as soon as it is aware of the possibility.

10.3.3 The NCTPC will reevaluate the regional transmission plan to determine if delays in the Regional Project require the evaluation of alternative solutions to ensure the relevant Registered Entity can meet its reliability needs or service obligations. The Registered Entity may pursue solutions within its footprint that will enable it to meet its reliability needs or service obligations. Delays in achieving Milestones can result in a Regional Project being cancelled.

11. DISPUTE RESOLUTION MECHANISM

11.1 NCTPC Process Disputes

11.1.1 The OSC voting structure allows the ITP to cast a tie breaking vote if necessary to decide on a particular issue.

11.1.2 A Transmission Provider has the right to reject an OSC decision if it believes that it would harm reliability.

11.1.3 Any NCTPC Participant or TAG participant has the right to seek assistance from the North Carolina Utilities Commission (NCUC) Public Staff to mediate an issue and render a non-binding opinion on any disputed decision.

11.1.4 If the Participants cannot resolve a disputed decision by NCUC Public Staff facilitation, they may seek review from a judicial or regulatory body that has jurisdiction.

11.2 Transmission Siting Disputes

11.2.1 The South Carolina Code of Laws Section 58, Chapter 33 addresses disputes involving utilities' transmission projects that require South Carolina authorization through the certificates of public convenience and necessity process.

11.2.2 NCUC Rule R8-62 addresses disputes involving utilities' transmission projects that require North Carolina authorization through the certificates of public convenience and necessity process.

11.3 Integrated Resource Planning Disputes

11.3.1 The NCUC allows public participation in and may hold hearings regarding matters related to integrated resource planning.

11.3.2 The South Carolina Public Service Commission allows public participation in and may hold hearings regarding matters related to integrated resource planning.

11.4 Tariff Disputes

11.4.1 The dispute resolution process provisions included in this Tariff apply to disputes involving compliance with the Commission's transmission planning obligations set forth in Order No. 890 and Order No. 1000. Any TAG participant, not just a TAG participant that is a Transmission Customer, may avail itself of the dispute resolution provision of the Tariff, as that process is modified below.

11.4.2 If a TAG participant has completed the negotiation step set forth in Section 12.1 of this Tariff, a TAG participant may ask to have the issue mediated on a non-binding basis before the next step (i.e., arbitration) commences. A request for mediation must be made within thirty days of the agreed-upon conclusion of the negotiation step. If the mediation step is concluded without resolution, the disputing party has thirty days to inform the Transmission Provider that it seeks to commence the arbitration step set forth in Section 12.2. If this mediation option is selected, the parties to the dispute will use the Commission's Dispute Resolution Service as the forum for mediation.

11.4.3 Matters over which the Commission does not have jurisdiction, including planning to meet retail native load of the Transmission Providers shall not be within the scope of the dispute resolution process of this Tariff.

12. COST ALLOCATION FOR PLANNING COSTS

12.1 NCTPC-Related Planning Costs

12.1.1 Each NCTPC Participant bears its own expenses.

12.1.2 TAG participants bear their own expenses.

12.1.3 The costs of the NCTPC base reliability studies are born by Duke and Progress.

12.1.4 Costs associated with incremental reliability studies, the ITP's costs, and the costs of the Economic Project Study Process are all allocated to NCTPC Participants in the manner set forth in the *Participation Agreement*.

12.1.5 Pursuant to Section 4, costs associated with economic studies that are outside the scope of the Economic Project Study Process, will be borne by the study requestor.

12.1.6 NCTPC Participants may challenge the correctness of NCTPC cost allocations.

12.1.7 For the Transmission Providers, transmission planning costs are a routine cost-of-service item that would be reflected in both wholesale and retail transmission rates. There is no plan to allocate planning costs to customers, other than as described above, or as contemplated by this Tariff when a customer makes a specific request that must be studied.

12.2 Non-NCTPC-Related Planning Costs

Each Transmission Provider will bear its own costs of planning-related activities that are not occurring through the rubric of the NCTPC Planning Process, which costs may be recovered in rates, pursuant to the then-applicable ratemaking policies.

13. CONFIDENTIALITY

13.1 The Transmission Providers will take appropriate steps to protect CEII information, which is one form of Confidential Information.

13.2 Identification of Confidential Information

The confidentiality of information is determined in the first instance by a NCTPC Participant, Developer, or TAG participant providing the information. Examples of Confidential Information, other than CEII, include commercially sensitive information and customer-related information that is proprietary to a particular wholesale or retail customer. The NCTPC Participant, Developer, or TAG participant providing Confidential Information acknowledges that such Confidential Information may be released to the representatives of TAG participants that have abided by the procedures in Section 13.4.3. If the information is Confidential Information only because it is CEII, the NCTPC Participant, Developer, or TAG participant should indicate that such information may be released to TAG participants eligible to receive CEII.

13.3 Availability of Confidential Information

13.3.1 The NCTPC Participants will mask all Confidential Information in documents that are released to the public.

13.3.2 Confidential Information will be made available, to the extent not prohibited by law or government policy, to the NCTPC Participants, as limited by the *Participation Agreement*. Each NCTPC Participant is restricted from sharing or giving access to Confidential Information with any employee, representative, and/or organization directly involved in the sale and/or resale of electricity in the wholesale electricity such that they do not receive preferential treatment or a competitive advantage.

13.3.3 TAG participants may be provided Confidential Information, in accordance with Section 13.4.3 or 13.4.4. In cases where the information is Confidential Information only because it is CEII, the TAG participants may be provided such information in accordance with Section 13.4.4.

13.4 Obtaining Confidential Information

13.4.1 The ITP is tasked with ensuring that no marketing/brokering organizations receive preferential treatment or achieve competitive advantage through the distribution of any transmission-related information in the TAG.

13.4.2 The ITP ensures that the confidentiality of information principles reflected in Order Nos. 890 and 1000 as well as any Standards of Conduct or FERC affiliate rules requirements are being adhered to within the TAG process, to the extent applicable and/or necessary.

13.4.3 If a TAG participant seeks non-CEII Confidential Information, s/he must formally request the data from the ITP and demonstrate that s/he:

13.4.3.1 Is a representative of a TAG Sector Entity that has signed the SERC Confidentiality Agreement or is an Individual that has signed the SERC Confidentiality Agreement; or

13.4.3.2 Is listed on Attachment A to a TAG Sector Entity's TAG Confidentiality Agreement as a representative of a TAG Sector Entity or is an Individual that has signed the TAG Confidentiality Agreement.

13.4.4 If a TAG participant seeks CEII, s/he must formally request the data from the ITP and demonstrate that s/he:

13.4.4.1 Is a representative of a TAG Sector Entity that has signed the SERC Confidentiality Agreement or is an Individual that has signed the SERC Confidentiality Agreement; or

13.4.4.2 Is listed on Attachment A of a TAG Sector Entity's TAG Confidentiality Agreement as a representative of a TAG Sector Entity or is an Individual that has signed the TAG Confidentiality Agreement.

13.4.5 The NCTPC ITP will process the above requests, approve/deny the request, and if approved, provide the data to a TAG participant.

14. INTER-REGIONAL COORDINATION

The NCTPC will coordinate with other transmission systems primarily through the Transmission Providers participating in SERC (as Transmission Planners), other inter-regional study groups, and bilateral agreements between the Transmission Providers and transmission systems to which they are interconnected.

14.1 Coordination Activities Within SERC

The Transmission Providers are members of the SERC Reliability Corporation (SERC) and coordinate with other SERC members registered as Transmission Planners. SERC is the entity responsible for promoting and improving the reliability, adequacy, and critical infrastructure of the bulk power supply systems in the area served by its member systems. SERC membership is open to any entity that is a user, owner, or operator of the Bulk-Power System and is subject to the jurisdiction of FERC for the purpose of complying with Reliability Standards. SERC membership is comprised of investor-owned, municipal, cooperative, state and federal systems, RTOs/ISOs, merchant electricity generators, and power marketers. SERC has in place various committees and subcommittees that perform the identified SERC functions, including the promotion of the reliability and adequacy of the bulk power system as related to the planning and engineering of the electric systems. The SERC committees are identified on SERC's website. The particular activities that are coordinated among the Transmission Planners include the creation of a SERC-wide model and the preparation of a simultaneous feasibility assessment, which are discussed in further detail below.

14.1.1 Regional Reliability Planning by Transmission Planners Located in SERC: A Transmission Planner's 10-year transmission expansion plan is the basis for models used for its own regional reliability planning process, such as the NCTPC, as well as serving as a Transmission Planner's input into the development of the SERC-wide model.

Substantive transmission planning occurs as Transmission Planners develop regional reliability transmission expansions plans through their regional planning process, such as the NCTPC. In this regard, the reliability plan for each region is generally developed by determining the required 10-year transmission expansion plan to satisfy load, resources, and transmission service commitments throughout the 10-year reliability planning horizon. The development of each regional reliability plan is facilitated through the creation of transmission models (base cases) that incorporate the current 10-year transmission expansion plan, load projections, resource assumptions (generation, demand response, and imports), and transmission service commitments within the region. The transmission models also incorporate external regional models (at a minimum the current SERC models) that are developed using similar assumptions.

The transmission models created for use in developing the regional reliability 10-year transmission expansion plan are analyzed to determine if any planning criteria concerns are projected. In the event one or more planning criteria concerns are identified at the regional level, the relevant Transmission Planners will develop solutions for these projected limitations in accordance with the regional process to which they belong. As a part of this study process, the Transmission Planners, in accordance with the regional process to which they belong, will reexamine the current regional reliability 10-year transmission expansion plan (determined through the previous year's regional reliability planning process) to determine if the current plan can be optimized based on the updated assumptions and any new planning criteria concerns identified in the analysis. The optimization process may include the deletion and/or modification of any of the existing reliability transmission enhancements identified in the previous year's reliability planning process.

14.1.2 Coordination by Transmission Planners with Affected Regions: Once a planning criteria concern is identified and the optimization process identifies the potential solution (at the regional level), the Transmission Planner(s), here the Transmission Provider, determine if any transmission system in another region is potentially impacted by the projected solution. Potentially impacted regions are then contacted to determine if there is a need for an inter-regional *ad hoc* coordinated study. In the event one or more neighboring regions agrees that they would be impacted by the projected limitation or identifies the potential for a superior inter-regional reliability solution, based on transmission enhancements in their current regional reliability plan, an inter-regional *ad hoc* coordinated study is initiated. In the event that no inter-regional impacts are identified, or if once contacted the potentially impacted regions(s) determine that they will not actually be impacted, the initiating Transmission Planner will move forward to conduct a reliability study to determine the solution for the projected planning criteria concern. In either case, once the study has been completed, the identified reliability transmission enhancements will then be incorporated into the region's(s') 10-year transmission expansion plan as a reliability project.

14.1.3 SERC-Wide Reliability Assessment by Transmission Planners: After the transmission models are developed through the regional planning processes, the Transmission Planners within SERC create a SERC-wide transmission model and conduct a long-term reliability assessment. The intent of the SERC-wide reliability assessment is to determine if the different regional reliability transmission expansion plans are simultaneously feasible and to otherwise ensure that these regional processes are using consistent models and data. Additionally, the reliability assessment measures and reports the transfer capabilities between regions within SERC. The SERC-wide assessment serves as a valuable tool for each of the regions to reassess the need for additional inter-regional reliability joint studies.

14.1.4 Other Coordination Activities Within SERC

14.1.4.1 Transmission Model Development: SERC transmission models are developed by the Transmission Planners in SERC through an annual model development process. Each Transmission Planner in SERC, incorporating input from their regional planning process, develops and submits their 10-year transmission models to a model development databank. The databank then joins the models to create SERC-wide models for use in reliability assessment. Additionally, the SERC-wide models are then used in each regional planning process as an update (if needed) to the current transmission models and as a foundation (along with the MMWG models) for the development of next year's transmission models.

14.1.4.2 Additional Inter-Regional Reliability Joint Studies: As mentioned above, the SERC-wide reliability assessment serves as a valuable tool for the Transmission Planners, in accordance with their regional planning process, to reassess the need for additional inter-regional reliability joint studies. If the SERC-wide reliability model projects additional planning criteria concerns that were not identified in the regional reliability studies, then the impacted Transmission Planners may initiate one or more *ad hoc* inter-regional coordinated study(ies) (in accordance with existing Reliability Coordination Agreements) to better identify the planning criteria concerns and determine the optimal inter-regional reliability transmission enhancements to resolve the limitations. Once the study(ies) is completed, required reliability transmission enhancements will be incorporated into the region's 10-year expansion plan as a reliability project. Accordingly, planning criteria concerns identified at the SERC-wide level are "pushed down" to the regional level for detailed resolution.

14.1.5 Stakeholder Participation in Planning and Coordination Activities:

Since the bulk of the reliability transmission planning occurs at the regional level as a "bottom up" process in the development of the various regions' 10-year transmission expansion plans, stakeholders in the NCTPC footprint may provide input into the coordination activities by participating in the NCTPC process and any other regional planning processes that they choose to participate in. Specifically, the 10-year transmission expansion plan developed in the NCTPC process described in this Attachment is the basis for the Transmission Providers' input into the SERC model development. As discussed in Sections 4 and 5, the TAG participants are provided a number of opportunities to review and comment on and allowed to propose alternatives concerning the development of this transmission expansion plan. The results of inter-regional coordination activities will be shared and discussed with TAG participants. If the results of coordination activities are to be shared at a TAG participant meeting, the meeting notice will indicate that such results will be shared and discussed and will either provide the results or indicate how the results can be obtained if the results include Confidential Information.

14.2 ERAG & SERC-RFC East Coordination Activities

14.2.1 SERC is a Member of the Eastern Interconnection Reliability Assessment Group (ERAG) along with the Florida Reliability Coordinating Council, Inc., the Midwest Reliability Organization, the Northeast Power Coordinating Council, Inc., ReliabilityFirst Corporation, and the Southwest Power Pool. ERAG augments the reliability of the bulk-power system through periodic reviews of generation and transmission expansion programs and forecasted system conditions within the regions served by ERAG members.

14.2.2 The Eastern Interconnection Reliability Assessment Group (ERAG) Multi-Regional Modeling Working Group (MMWG) administers the development of a library of power-flow base case models for the benefit of members.

14.2.3 The SERC-RFC East study group was established in 2006 and is a sub-group within the ERAG structure. Through the SERC-RFC East study group, coordination of plans, data and assumptions is achieved between Tennessee Valley Authority, VACAR, and the transmission systems of the eastern portion of PJM.

14.3 VACAR Coordination Activities

14.3.1 The Transmission Providers participate with Fayetteville, South Carolina Electric & Gas Company, South Carolina Public Service Authority, and Dominion Virginia Power in the VACAR Planning Task Force.

14.3.2 A VACAR contract agreement provides for coordination between the various entities within the VACAR region.

14.3.3 The Transmission Providers will engage in studies of the bulk power supply system. VACAR typically analyzes the performance of their proposed future transmission systems based on five- or ten-year projections. VACAR studies are similar to those conducted for SERC, but are focused on the VACAR region, although VACAR coordinates with Southern and TVA under existing agreements.

14.4 Bilateral Coordination Activities

Through bilateral interconnection agreements or joint operating agreements with the interconnected transmission systems of American Electric Power, TVA, Southern Companies, PJM, Dominion, SCE&G, and Santee Cooper, the Transmission Providers perform coordinated studies on an as-needed basis.

14.5 Southeast Inter-Regional Participation Process Activities

Duke and Progress have joined with a group of southeast utilities to develop the Southeast Inter-Regional Participation Process. This process provides valid stakeholders the ability to request economic studies that would be evaluated on an inter-regional basis. The framework for this process is provided in a document entitled "Southeast Inter-Regional Participation Process" which is attached as Appendix 1. The purpose of the Southeast Inter-Regional Participation Process is to facilitate the development of inter-regional economic planning studies.

14.5.1 Stakeholder Participation Through the SIRPP: As shown on the Southeast Inter-Regional Participation Process Diagram contained in Appendix 1, the particular activity that the SIRPP sponsors coordinate is the preparation of the inter-regional Economic Planning Studies addressed in Appendix 1. In addition, the SIRPP sponsors will review with stakeholders the data, assumptions, and assessment that are then being conducted on a SERC-wide basis at the following SIRPP meetings: the 1st Inter-Regional Stakeholder Meeting; the 2nd Inter-Regional Stakeholder Meeting; and the 3rd Inter-Regional Stakeholder Meeting.

15. INTEGRATED RESOURCE PLANNING

In addition to the NCTPC Process, the Transmission Providers must abide by state laws regarding Integrated Resource Planning (IRP). The information provided below is intended to assist persons who may want to participate in state IRP and siting proceedings.

15.1 North Carolina

The NCUC analyzes the probable growth in the use of electricity and the long-range need for future generating capacity in North Carolina. Duke and Progress annually furnish the NCUC a report of their respective resource plans, which contain a 15-year forecast of loads and generating capacity. The report describes all generating facilities and known transmission facilities with operating voltage of 161 kV or more which, in the judgment of the utility, will be required to supply system demands during the 15-year forecast period. Such filings must include a section containing a comprehensive analysis of their Demand-Side Management (DSM) plans and activities.

15.2 South Carolina

Section 58-37-40 of the South Carolina Code of Laws requires that all electrical utilities prepare integrated resource plans and submit them to the State Energy Office. The plans must be submitted every three years and must be updated on an annual basis. For electrical utilities subject to the jurisdiction of the SC PSC, submission of the IRP plans required by the SC PSC (which similarly are submitted triennially and updated at least annually) constitutes compliance with the state law. The SC PSC requires that the plans submitted cover 15 years and evaluate the cost effectiveness of supply-side and demand-side options in an economic and reliable manner that considers relevant costs and benefits.

16. SUB-LOCAL PLANNING

The Transmission Providers coordinate with their network and native load customers to ensure adequate and reliable electric service to all points of delivery within their control areas. The focus of the NCTPC is planning higher-voltage facilities and transfers of bulk power and thus "sub-local planning" focuses on lower-voltage facilities and the delivery of energy to customer locations. Customer meetings may be held, when necessary, to discuss the respective plans of the customer and the provider and how such plans impact local areas. Any sub-local area plans developed by a Transmission Provider are rolled into the power system models of the Transmission Providers and these models subsequently roll up to the NCTPC transmission models. The same data and assumptions would be used in sub-local planning as are used in the NCTPC Process.

Appendix 1
Southeast Inter-Regional Participation Process

Introduction:

In an effort to more fully address the regional participation principle outlined in the Order 890 Attachment K Tariff requirements and the related guidance contained in the FERC Transmission Planning Process Staff White Paper (dated August 2, 2007), this Southeast Inter-Regional Participation Process expands upon the existing processes for regional planning in the Southeast. This document outlines an inter-regional process among various Southeastern interconnected transmission owners. The inter-regional process described herein is incorporated into each Participating Transmission Owner's[1] planning process and OATT Attachment K (for those transmission owners that have a regulatory requirement to file an Attachment K).

Purpose:

This inter-regional process complements the regional planning processes developed by the Participating Transmission Owners in the Southeast. For the purpose of this document, the term "Southeast Inter-Regional Participation Process" ("SIRPP") is defined as a new process to more fully address the regional participation principle of Order 890 for multiple transmission systems in the Southeast. The term "Regional Planning Processes" refers to the regional transmission planning processes a Transmission Owner has established within its particular region for Attachment K purposes. Importantly, the Economic Planning Studies discussed herein are hypothetical studies that do not affect the transmission queue for purposes of System Impact Studies, Facilities Studies, or interconnection studies performed under other portions of the OATT.

Current Inter-Regional Planning Process:

Each Southeastern transmission owner currently develops a transmission plan to account for service to its native load and other firm transmission service commitments on its transmission system. This plan development is the responsibility of each transmission planner individually and does not directly involve the Regional Reliability Organization (e.g., SERC). Once developed, the Participating Transmission Owners collectively conduct inter-regional reliability transmission assessments, which include the sharing of the individual transmission system plans, providing information on the assumptions and data inputs used in the development of those plans and assessing whether the plans are simultaneously feasible.

Participating Transmission Owners:

Due to the additional regional planning coordination principles that have been announced in Order 890 and the associated Transmission Planning White Paper, several transmission owners have agreed to provide additional transmission planning coordination, as further described in this document. The "Participating Transmission Owners" are listed on the SIRPP website (http://www.southeastirpp.com).

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[1] The sponsors of the Southeast Inter-Regional Participation Process are referred to as transmission owners, rather than Transmission Providers, because not all of the sponsors are "Transmission Providers" for purposes of the *pro forma* OATT.

Southeast Inter-Regional Participation Process:

The Southeast Inter-Regional Participation Process is outlined in the attached diagram. As shown in that diagram, this process will provide a means for conducting stakeholder requested Economic Planning Studies across multiple interconnected systems. In addition, this process will build on the current inter-regional, reliability planning processes required by existing multi-party reliability agreements to allow for additional participation by stakeholders.

The established Regional Planning Processes outlined in the Participating Transmission Owners' Attachment Ks will be utilized for collecting data, coordinating planning assumptions, and addressing stakeholder requested Economic Planning Studies internal to their respective regions. The data and assumptions developed at the regional level will then be consolidated and used in the development of models for use in the Inter-Regional Participation Process. This will ensure consistency in the planning data and assumptions used in local, regional, and inter-regional planning processes.

These established Attachment K processes may also serve as a mechanism to collect requests for inter-regional Economic Planning Studies by a participant's stakeholders group. The Economic Planning Studies requested through each participant's Attachment K process that involve impacts on multiple systems between Regional Planning Processes will be consolidated and evaluated as part of the Southeast Inter-Regional Participation Process. Stakeholders will also be provided the opportunity to submit their requests for inter-regional Economic Planning Studies directly to the Inter-Regional process.

The Participating Transmission Owners recognize the importance of coordination with neighboring (external) planning processes. Therefore, seams coordination will take place at the regional level where external regional planning processes adjoin the Southeast Inter-Regional Participation Process (e.g. Southeastern Regional Planning Process coordinating with FRCC Regional Planning Process, Entergy coordinating with SPP, TVA coordinating with MISO and PJM, and the North Carolina Transmission Planning Collaborative coordinating with PJM). External coordination is intended to include planning assumptions from neighboring processes and the coordination of transmission enhancements and stakeholder requested Economic Planning Studies to support the development of simultaneously feasible transmission plans both internal and external to the Southeast Inter-Regional Participation Process.

With regard to the development of the stakeholder requested inter-regional Economic Planning Studies, the Participating Transmission Owners will each provide staff (transmission planners) to serve on the study coordination team. The study coordination team will lead the development of study assumptions (and coordinate with stakeholders, as discussed further below), perform model development, and perform any other coordination efforts with stakeholders and impacted external planning processes. During the study process, the study coordination team will also be responsible for performing analysis, developing solution options, evaluating stakeholder suggested solution options, and developing a report(s) once the study(ies) is completed. Once the study(ies) is completed, the study coordination team will distribute the report(s) to all Participating Transmission Owners and the stakeholders.

With regard to coordinating with stakeholders in the development of the inter-regional Economic Planning Study(ies), in each cycle of the Southeast Inter-Regional Participation Process, the Participating Transmission Owners will conduct three inter-regional stakeholder meetings. The information to be discussed at such meetings will be made available in final draft form for stakeholder review prior to any such meeting by posting on the SIRPP website and/or e-mails to SIRPP Stakeholder Group ("SIRPPSG") members. The Participating Transmission Owners will use reasonable efforts to make such information available at least 10 calendar days prior to the particular meeting. The Participating Transmission Owners will conduct the "1st Inter-Regional Stakeholder Meeting", as shown in the attached diagram. At this meeting, a review of all of the Economic Planning Study(ies) submitted through the participants' Regional Planning Processes or directly to the Inter-Regional process, along with any additional Economic Planning Study requests that are submitted at this 1st meeting, will be conducted. During this meeting, the stakeholders will select up to five studies that will be evaluated within the planning cycle. The study coordination team will coordinate with the stakeholders regarding the study assumptions underlying the identified stakeholder requested inter-regional Economic Planning Study(ies). Through this process, stakeholders will be provided an opportunity to comment and provide input regarding those assumptions. Following that meeting, and once the study coordination team has an opportunity to perform its initial analyses of the inter-regional Economic Planning Study(ies), the Participating Transmission Owners will then conduct the "2nd Inter-Regional Stakeholder Meeting." At this meeting, the study coordination team will review the results of such initial analysis, and stakeholders will be provided an opportunity to comment and provide input regarding that initial analysis. The study coordination team will then finalize its analysis of the inter-regional study(ies) and draft the Economic Planning Study(ies) report(s), which will be presented to the stakeholders at the "3rd Inter-Regional Stakeholder Meeting." Stakeholders will be provided an opportunity to comment and provide input regarding the draft report(s). Subsequent to that meeting, the study coordination team will then finalize the report(s), which will be issued to the Participating Transmission Owners and stakeholders.

In addition to performing inter-regional Economic Planning Studies, the Southeast Inter-Regional Participation Process will also provide a means for the Participating Transmission Owners to review, at the Southeast Inter-Regional Participation Process stakeholder meetings, the regional data, assumptions, and assessments that are then being performed on an inter-regional basis.

Southeast Inter-Regional Participation Process Cycle:

The Southeast Inter-Regional Participation Process will be performed annually. Due to the expected scope of the requested studies and size of the geographical region encompassed, the Participating Transmission Owners will perform up to five (5) inter-regional Economic Planning Studies annually, which could encompass both Step 1 and Step 2 evaluations. A Step 1 evaluation will consist of a high level screen of the requested transfer and will be performed during a single year's planning cycle. The high level screen will identify transfer constraints and likely transmission enhancements to resolve the identified constraints. The Participating Transmission Owners will also provide approximate costs and timelines associated with the identified transmission enhancements to facilitate the stakeholders' determination of whether they have sufficient interest to pursue a Step 2 evaluation. Once a Step 1 evaluation has been completed for a particular transfer, the stakeholders have the option to request a Step 2 evaluation for that transfer to be performed during the subsequent year's Inter-Regional Participation Process Cycle. If the stakeholders opt to not pursue Step 2 evaluation for the requested transfer during the subsequent year's Inter-Regional Participation Process Cycle, an Economic Planning Study of that request may be re-evaluated in the future by being submitted for a new Step 1 evaluation. In the event that the stakeholders request a Step 2 evaluation, the Participating Transmission Owners will then perform additional analysis, which may include additional coordination with external processes. The Participating Transmission Owners will then develop detailed cost estimates and timelines associated with the final transmission enhancements. The Step 2 evaluation will ensure that sufficient coordination can occur with stakeholders and among the impacted Participating Transmission Owners. In addition, the Step 2 evaluation will provide sufficient time to ensure that the inter-regional study results are meaningful and meet the needs of the stakeholders.

It is important to note that the Participating Transmission Owners expect that a Step 2 evaluation will be completed prior to interested parties requesting to sponsor transmission enhancements identified in an Economic Planning Study. However, the Participating Transmission Owners will work with stakeholders if a situation develops where interested parties attempt to sponsor projects identified in a Step 1 evaluation and there is a compelling reason (e.g., where time is of the essence).

Inter-Regional Cost Allocation:

The cost allocation for Inter-Regional Economic Upgrade projects will be determined in accordance with the cost allocation principle adopted by each Participating Transmission Owner's Regional Planning Process in which each portion of the construction of such upgrades would occur. The cost allocation principle for each SIRPP Regional Planning Process is posted on the SIRPP website. Typically, since Inter-Regional Economic Upgrade projects will likely consist of improvements that will be physically located in the footprints of multiple Regional Planning Processes, this approach means the cost allocation for each part of the Inter-Regional Economic Upgrade project or each project within a set of projects will be governed by the cost allocation principle adopted by the Regional Planning Process in which that part of the project or set is physically located. For example, should an Inter-Regional Economic Upgrade project consist of a single, 100 mile 500 kV transmission line, with 30 miles physically located in Regional Planning Process "A" and the remaining 70 miles located in Regional Planning Process "B," then the cost allocation for the 30 miles of 500 kV transmission line located in Regional Planning Process "A" would be governed by that Regional Planning Process' cost allocation principle, and the cost allocation for the other 70 miles of 500 kV transmission line would be governed by the cost allocation principle of Regional Planning Process "B." Should an Inter-Regional Economic Upgrade project be physically located entirely within one Regional Transmission Planning process, the costs of the project would be governed by that region's cost allocation principle.

Inter-Regional Coordination of Economic Transmission Project Development:

Once an Economic Planning Study report has been finalized, multiple stakeholders may be interested in jointly participating in the project development. An Inter-Regional process addressing each such economic upgrade request will be developed that will formalize the process of determining if there is sufficient stakeholder interest to pursue economic project development and the coordination that will be required of the impacted Transmission Owners to support this process. The Participating Transmission Owners and the stakeholders will support this process development activity beginning in 2008.

Stakeholder Participation in the Southeast Inter-Regional Participation Process:

Purpose

The purpose of the Southeast SIRPPSG is to provide a structure to facilitate the stakeholders' participation in the Southeast Inter-Regional Participation Process. Importantly, the SIRPPSG shall have the flexibility to change the "Meeting Procedures" section discussed below but cannot change the Purpose, Responsibilities, Membership, or Data and Information Release Protocol sections absent an appropriate filing with (and order by) FERC to amend the OATT.

Responsibilities

In general, the SIRPPSG is responsible for working with the Participating Transmission Owners on Inter-Regional Economic Planning Study requests so as to facilitate the development of such studies that meet the goals of the stakeholders. The specific responsibilities of this group include:

1. Adherence to the intent of the FERC Standards of Conduct requirements in all discussions.
2. Develop the SIRPPSG annual work plan and activity schedule.
3. Propose and select the Economic Planning Study(ies) to be evaluated (five annually).
    a. Step 1 evaluations
    b. Step 2 evaluations
4. The SIRPPSG should consider clustering similar Economic Planning Study requests. In this regard, if two or more of the Economic Planning Study requests are similar in nature and the Participating Transmission Owners conclude that clustering of such requests and studies is appropriate, the Participating Transmission Owners may, following communications with the SIRPPSG, cluster those studies for purposes of the transmission evaluation.
5. Provide timely input on the annual Economic Planning Study(ies) scope elements, including the following:
    a. Study Assumptions, Criteria and Methodology
    b. Case Development and Technical Analysis
    c. Problem Identification, Assessment and Development of Solutions (including proposing alternative solutions for evaluation)
    d. Comparison and Selection of the Preferred Solution Options
    e. Economic Planning Study Results Report.
6. Providing advice and recommendations to the Participating Transmission Owners on the Southeast Inter-Regional Participation Process.

Membership

The SIRPPSG membership is open to any interested party.

Meeting Procedures

The SIRPPSG may change the Meeting Procedures criteria provided below pursuant to the voting structure in place for the SIRPPSG at that time. The currently effective Meeting Procedures for the SIRPPSG shall be provided to the Participating Transmission Owners to be posted on the SIRPP website and shall become effective once posted on that website (http://www.southeastirpp.com), which postings shall be made within a reasonable amount of time upon receipt by the Transmission Owners. Accordingly, the following provisions contained under this Meeting Procedures heading provide a starting-point structure for the SIRPPSG, which the SIRPPSG shall be allowed to change.

Meeting Chair

A stakeholder-elected member of the SIRPPSG will chair the SIRPPSG meetings and serve as a facilitator for the group by working to bring consensus within the group. In addition, the duties of the SIRPPSG chair will include:

1. Developing mechanisms to solicit and obtain the input of all interested stakeholders related to inter-regional Economic Planning Studies.
2. Ensuring that SIRPPSG meeting notes are taken and meeting highlights are posted on the SIRPP website (http://www.southeastirpp.com) for the information of the participants after all SIRPPSG meetings.

Meetings

Meetings of the SIRPPSG shall be open to all SIRPPSG members interested in inter-regional Economic Planning Studies across the respective service territories of the Participating Transmission Owners. There are no restrictions on the number of people attending SIRPPSG meetings from any interested party.

Quorum

Since SIRPPSG membership is open to all interested parties, there are no quorum requirements for SIRPPSG meetings.

Voting

In attempting to resolve any issue, the goal is for the SIRPPSG to develop consensus solutions. However, in the event consensus cannot be reached, voting will be conducted with each SIRPPSG member's organization represented at the meeting (either physically present or participating via phone) receiving one vote. The SIRPPSG chair will provide notices to the SIRPPSG members in advance of the SIRPPSG meeting that specific votes will be taken during the SIRPPSG meeting. Only SIRPPSG members participating in the meeting will be allowed to participate in the voting (either physically present or participating via phone). No proxy votes will be allowed. During each SIRPP cycle, the SIRPPSG members will propose and select the inter-regional Economic Planning Studies that will be performed during that particular SIRPP cycle. The SIRPPSG will annually select up to five (5) inter-regional Economic Planning Studies, including both Step 1 evaluation(s) and any Step 2 evaluations, with any such Step 2 evaluations being performed for the previous year's Step 1 studies for the pertinent transfers. Each organization represented by their SIRPPSG members will be able to cast a single vote for up to five Economic Planning Studies that their organization would like to be studied within the SIRPP cycle. If needed, repeat voting will be conducted until there are clear selections for the five Economic Planning Studies to be conducted.

Meeting Protocol
In the absence of specific provisions in this document, the SIRPPSG shall conduct its meetings guided by the most recent edition of *Robert's Rules of Order, Newly Revised.*

Data and Information Release Protocol
SIRPPSG members can request data and information that would facilitate their ability to replicate the SIRPP inter-regional Economic Planning studies while ensuring that CEII and other confidential data is protected.

CEII Data and Information
SIRPPSG members may be certified to obtain CEII data used in the SIRPP by following the confidentiality procedures posted on the SIRPP website (e.g., making a formal request for CEII, authorizing background checks, executing the SIRPP CEII Confidentiality Agreement, etc.). The SIRPP Participating Transmission Owners reserve the discretionary right to waive the certification process, in whole or in part, for anyone that the SIRPP Participating Transmission Owners deem appropriate to receive CEII. The SIRPP Participating Transmission Owners also reserve the discretionary right to reject a request for CEII; upon such rejection, the requestor may pursue the SIRPP dispute resolution procedures set forth below.

Non-CEII Confidential Information
The Participating Transmission Owners will make reasonable efforts to preserve the confidentiality of information that is confidential but not CEII in accordance with the provisions of the Tariff and the requirements of (and/or agreements with), NERC and/or SERC as well as agreements with the other Participating Transmission Owners and any other contractual or legal confidentiality requirements.

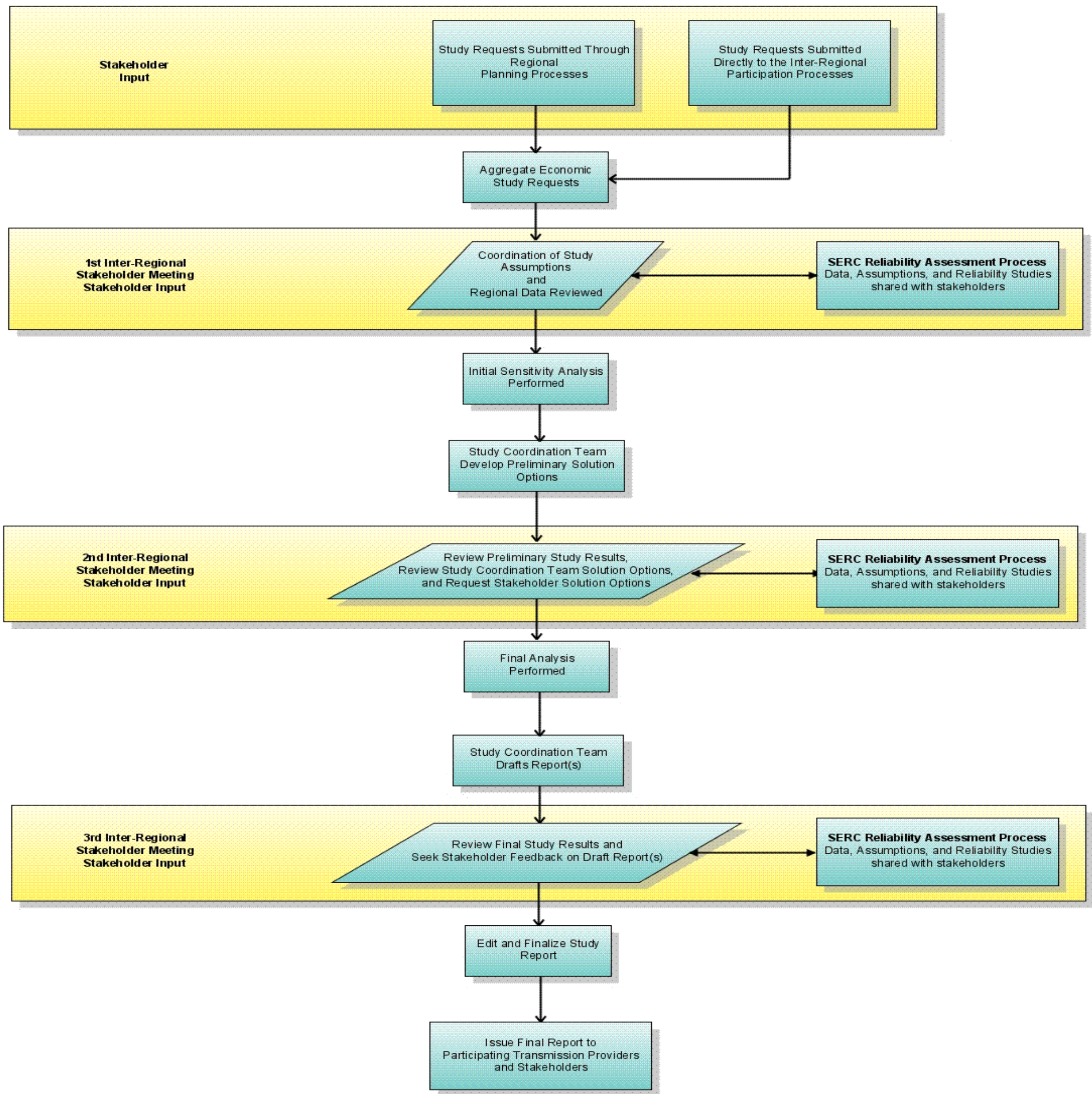
Without limiting the applicability of the foregoing, to the extent confidential non-CEII information is provided in the transmission planning process and is needed to participate in the transmission planning process and/or to replicate transmission planning studies, it will be made available to those SIRPPSG members who have executed the SIRPP Non-CEII Confidentiality Agreement, which is posted on the SIRPP website. Importantly, if information should prove to contain both confidential and non-CEII information and CEII, then the requirements of both this section and the previous section would apply.

Dispute Resolution
Any procedural or substantive dispute between a stakeholder and a Participating Transmission Owner that arises from the SIRPP will be addressed by the Participating Transmission Owner's dispute resolution procedures in its respective Regional Planning Process. In addition, should the dispute only be between stakeholders with no Participating Transmission Owner involved (other than its ownership and/or control of the underlying facilities), the stakeholders will be encouraged to utilize the Commission's alternative means of dispute resolution.

Should dispute resolution proceedings be commenced in multiple Regional Planning Processes involving a single dispute among multiple Participating Transmission Owners, the affected Participating Transmission Owners, in consultation with the affected stakeholders, agree to use reasonable efforts to consolidate the resolution of the dispute such that it will be resolved by the dispute resolution procedures of a single Regional Planning Process in a single proceeding. If such a consensus is reached, the Participating Transmission Owners agree that the dispute will be addressed by the dispute resolution procedures of the selected Regional Transmission Planning Process.

Nothing herein shall restrict the rights of any party to file a Complaint with the Commission under relevant provisions of the Federal Power Act.

Southeast Inter-Regional Participation Process Diagram:



Appendix 2

Sector Voting Example

The example below illustrates the TAG Sector Voting Process. For purposes of explaining the example, we assume that the General Public (GP) Sector has 10 Individuals present. In addition to the 10 Individuals, there are 17 other TAG Sector Entities present, spread across four TAG Sectors (Cooperative LSEs (Coop LSE); Municipal LSEs (Muni LSE); Investor-Owned LSEs (IOU LSE); and Transmission Customers (TC)). These 17 TAG Sector Entities may each have several TAG participants present but only one may vote in one sector. Each Individual and TAG Sector Entity casts their vote, which vote is then weighted based on the number of persons/entities voting in the TAG Sector of which they are a member. E.g., since there are six Coop LSEs is present, each Coop LSE's vote is worth 1.00/6 or .166 (*see* Columns 4 and 5 for weighted vote). As the final step, the votes are weighted again, based on the number of TAG Sectors present. With five TAG Sectors present, each Sector Yes Vote and Sector No Vote is multiplied by 1.00/5 = .20. The weighted total is reported in columns 6 and 7. In the example, the No votes have won .53 to .47.

Column	**1**	**2**	**3**	**4**	**5**	**6**	**7**
Sector	**No. of Voters**	**Yes Votes**	**No Votes**	**Sector Yes Vote**	**Sector No Vote**	**Weighted Sector Yes**	**Weighted Sector No Vote**
Coop LSE	6	6	0	1.00	0	.20	0
Muni LSE	8	2	6	.25	.75	.05	.15
IOU LSE	2	1	1	.50	.50	.10	.10
TP/TO	0	0	0	0	0	0	0
TCs	1	0	1	0	1.00	0	.20
GICs	0	0	0	0	0	0	0
ECs	0	0	0	0	0	0	0
GP	10	6	4	.60	.40	.12	.08
Total Vote						0.47	0.53

ATTACHMENT N-1

TRANSMISSION PLANNING PROCESS
(CP&L Zone and DEC Zone)

1. ~~1.~~ INTRODUCTION

Duke Energy Carolinas, LLC (Duke) ~~and~~, Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc. (Progress), and Alcoa Power Generating Inc. (Yadkin) are Transmission Providers with transmission facilities located in the states of North Carolina and/or South Carolina, ensure that their entire Transmission Systems (i.e., both ~~the~~ portions located in North Carolina and ~~the~~ portions located in South Carolina) are planned in accordance with the requirements imposed by Order ~~No~~Nos. 890 and 1000 through the process developed by the North Carolina Transmission Planning Collaborative Process (NCTPC Process). The NCTPC was formed by the following load serving entities (LSEs) in the State of North Carolina: Duke, Progress, ElectriCities of North Carolina (ElectriCities), and the North Carolina Electric Membership Corporation (NCEMC) (collectively, NCTPC Participants or Participants).

In addition to engaging in local and regional planning through the NCTPC Process, ~~as discussed in Section 10,~~ the Transmission Providers engage in "inter-regional" coordination activities with transmission providers located outside their Control Areas~~.~~ as discussed in Section 14. Such activities include participation in SERC ~~and~~, which focuses on reliability assessments. Duke and Progress participate in the Southeast Inter-Regional Participation Process (Appendix 1)~~,~~ which ~~focus on reliability assessments and~~focuses on economic studies ~~respectively~~.

The NCTPC Process is intended to meet both the nine planning principles of Order No. 890 and the seven principles of Order No. 1000 for the relevant region – the footprint of the entities that are network or native load customers of the Transmission Providers. The Collaborative Transmission Plan will include Local Projects and Regional Projects.

2. DEFINITIONS

2.1 Developer: An entity that seeks to develop, is developing, or has developed a Regional Project.

2.2 Local Project: A transmission facility located solely within one Transmission Provider's footprint (i.e., Control Area) that is not selected in the Collaborative Transmission Plan for purposes of cost allocation under Section 9 of this Attachment N-1.

2.3 Non-Incumbent Developer: An entity that seeks to develop, is developing, or has developed a Regional Project that is not also an enrolled Transmission Provider.

2.4 Merchant Transmission Developer: An entity that seeks to develop, is developing, or has developed a transmission project for which cost recovery is not sought pursuant to this Tariff.

2.5 Regional Project: A project selected by the NCTPC pursuant to this Transmission Planning Process for inclusion in the Collaborative Transmission Plan for purposes of regional cost allocation because it is a more efficient or cost-effective solution to meet a regional transmission need. A Regional Project is a project whose costs are allocated pursuant to Section 9 of this Attachment.

3. ENROLLMENT OF TRANSMISSION PROVIDERS

3.1 As reflected in the requirements below, enrolled Transmission Providers are entities that have the statutory or tariffed obligation to ensure that adequate transmission facilities exist in order to allow their customers to deliver energy from their network resources to their loads and to fulfill other long-term firm transmission obligations. Such Transmission Providers are thus beneficiaries for cost allocation purposes on behalf of their transmission customers.

3.2 Duke, Progress, and Yadkin are deemed to be enrolled as Transmission Providers because they meet the qualifications described below and are required by FERC to be enrolled in a planning region.

3.3 Transmission Providers other than Duke, Progress, and Yadkin that are directly interconnected with transmission facilities within the footprint of the NCTPC may enroll in the Transmission Planning Process described in this Attachment, if they meet the following eligibility requirements:

3.3.1 Have an open access transmission tariff on file with FERC (whether FERC-jurisdictional or a non-jurisdictional safe harbor tariff) under which they provide transmission service;

3.3.2 Are registered with NERC as a Planning Authority and a Transmission Service Provider, among other functions.

3.4 A Transmission Provider may enroll by informing the NCTPC Oversight/Steering Committee (OSC) that it seeks to enroll. The OSC will verify the eligibility of the Transmission Provider within two weeks and inform the Transmission Provider whether it is eligible.

3.4.1 If the Transmission Provider is eligible, it will be permitted to enroll as of the first day of the following calendar year after its request to enroll.

3.4.2 A new Transmission Provider must amend its FERC-filed tariff to include this Attachment, which will be amended as necessary to reflect the additional Transmission Provider.

3.5 The public utility and non-public utility Transmission Providers that have enrolled as Transmission Providers in the Transmission Planning Process are as follows:

Duke Energy Carolinas, LLC;
Carolina Power & Light Company;
Alcoa Power Generating Inc.

3.6 All references to Transmission Providers in this Attachment are to enrolled Transmission Providers. If Transmission Provider is not meant to be limited in such fashion, the term Non-Enrolled Transmission Provider will be utilized.

4. ~~2.~~ **NCTPC PROCESS OVERVIEW INCLUDING THE PROCESS FOR CONSULTING WITH ~~CUSTOMERS~~TAG PARTICIPANTS**

The NCTPC will annually develop a single, coordinated transmission plan (Collaborative Transmission Plan) that appropriately balances costs, benefits, and risks associated with the use of transmission, generation, and demand-side resources to meet the needs of LSEs as well as Transmission Customers under this Tariff.

4.1 ~~2.1~~ The North Carolina Transmission Planning Collaborative Participation Agreement (Participation Agreement) governs the NCTPC and the NCTPC Process. The Participation Agreement is located on the NCTPC Website (http://www.nctpc.org/nctpc/).

4.2 ~~2.2~~ The NCTPC Process is summarized in a document entitled *North Carolina Transmission Planning Collaborative Process* that is located on the NCTPC Website.

4.3 ~~2.3~~ Participation in the NCTPC

4.3.1 ~~2.3.1~~ Pursuant to the *Participation Agreement*, the NCTPC has four components: the ~~Oversight/Steering Committee (OSC)~~OSC, the Planning Working Group (PWG), the Transmission Advisory Group (TAG), and the Independent Third Party (ITP).

4.3.2 ~~2.3.2~~ Eligibility for participation in the four NCTPC components is as follows:

4.3.2.1 ~~2.3.2.1~~ The appointment of OSC members by the NCTPC Participants is governed by the *Participation Agreement*. The ITP is an *ex officio* member of the committee. The qualifications required to serve on the OSC are set forth in a document entitled *Scope - Oversight/Steering Committee* that is located on the NCTPC Website.

4.3.2.2 ~~2.3.2.2~~ The appointment of PWG members by the NCTPC Participants is governed by the *Participation Agreement*. The ITP also has a representative on the PWG. The qualifications required to serve on the PWG are set forth in a document entitled *Scope - Planning Working Group* that is located on the NCTPC Website.

4.3.2.3 ~~2.3.2.3~~ Anyone may participate in TAG meetings and sign-up to receive TAG communications. The TAG is comprised of TAG participants. An employee or agent of a NCTPC Participant who 1) performs or supervises transmission planning activities or 2) is a member of the OSC or PWG may not be a TAG participant, but employees or agents of NCTPC Participants that perform activities other than transmission planning activities may be TAG participants.

(i) ~~2.3.2.4~~ The Independent Third Party (ITP) is selected by the OSC. The ITP must have qualifications similar to OSC and PWG members.

4.4 ~~2.4~~ Responsibilities and Decision-Making of NCTPC Components

The responsibilities of the components within the NCTPC are determined by the *Participation Agreement* and/or the OSC. Decision-making likewise is established in the *Participation Agreement*, or by policies established by the OSC.

4.4.1 ~~2.4.1~~ Oversight/Steering Committee

4.4.1.1 ~~2.4.1.1~~ The OSC is responsible for overseeing and directing all the activities associated with this NCTPC Process. A list of the OSC's responsibilities is found in *Scope - Oversight/Steering Committee.*

4.4.1.2 ~~2.4.1.2~~ OSC decision-making is governed by the *Participation Agreement.*

4.4.1.3 ~~2.4.1.3~~ Officers of the OSC are selected in the manner set forth in the *Participation Agreement.*

4.4.2 ~~2.4.2~~ Planning Working Group

4.4.2.1 ~~2.4.2.1~~ The PWG is responsible for developing and performing the appropriate simulation studies to evaluate the transmission conditions in the Participants' service territories and recommend a coordinated solution for the various transmission limitations identified in the studies. A list of the PWG's responsibilities is found in *Scope - Planning Working Group.*

4.4.2.2 ~~2.4.2.2~~ PWG decision-making is governed by the *Participation Agreement.*

4.4.2.3 ~~2.4.2.3~~ Officers of the PWG are selected in the manner set forth in the *Participation Agreement.*

4.4.3 ~~2.4.3~~ Transmission Advisory Group

4.4.3.1 ~~2.4.3.1~~ The purpose of the TAG is to provide advice and recommendations to the NCTPC Participants to aid in the development of an annual Collaborative Transmission Plan. The TAG participants may propose ~~enhanced transmission access projects~~economic studies for evaluation as described in Section ~~4.2.2~~6 hereof. The TAG participants select which of those projects should be evaluated through the TAG Sector Voting Process. The TAG participants also provide input on the annual study scope elements of ~~both the Reliability Planning Process as well as the Enhanced~~the Collaborative Transmission ~~Access Planning Process,~~ Plan Development (including input on the following: Study Assumptions; Study Criteria; Study Methodology; ~~Case Development and~~ Technical Analysis~~;~~ and Study Results; Assessment and Problem Identification; Assessment and Development of Solutions (including proposing alternative solutions for evaluation); ~~Comparison and~~ Selection of the Preferred Transmission Plan; ~~and~~ the Collaborative Transmission Plan ~~Study Results~~ Report); Regional Project Selection Process; and Cost Allocation for Regional Projects. A full list of the TAG's responsibilities is found in *Scope - Transmission Advisory Group,* which is located on the NCTPC Website.

4.4.3.2 ~~2.4.3.2~~ The ITP will chair the TAG meetings and serve as a facilitator for the group. TAG decision-making is by consensus among the TAG participants. However, in the event consensus cannot be reached, voting will be conducted through the TAG Sector Voting Process. The ITP will provide notice to the TAG participants in advance of the TAG meeting that specific votes will be taken during the TAG meeting.

4.4.3.3 ~~2.4.3.3~~ Only TAG participants attending the meeting (in person or by telephone) will be allowed to participate in the TAG Sector Voting Process. No voting by proxy is permitted.

4.4.4 ~~2.4.4~~ TAG Sector Voting Process.

4.4.4.1 ~~2.4.4.1~~ In order for a TAG participant to participate in the TAG Sector Voting Process, the TAG participant must have registered with the ITP at least two weeks prior to the first meeting at which the TAG participant intends to vote. Such web-based registration will require the TAG participant to provide the following information to the ITP: name, home or business address, place of employment (if any), email address (if any), and telephone number. The registration form will require the TAG participant to indicate whether the TAG participant is registering as an "Individual" or as an agent or employee of a "TAG Sector Entity." If the TAG participant registers as an agent, member, or employee of a TAG Sector Entity, s/he must identify such TAG Sector Entity. An individual TAG participant may register as an agent, member, or employee of more than one TAG Sector Entity.

4.4.4.2 ~~2.4.4.2~~ A TAG Sector Entity may be any organized group (e.g., corporation, partnership, association, trust, agency, government body, etc.) but ~~can not~~cannot be an individual person. A TAG Sector Entity may be a member of only one TAG Sector. A TAG Sector Entity and its affiliates or member organizations all may register as separate TAG Sector Entities, as long as such affiliates or member organizations meet the definition of a TAG Sector Entity.

4.4.4.3 ~~2.4.4.3~~ A TAG Sector Entity should elect to be a member of one of the following TAG Sectors:

Cooperative LSEs (that serve load in the NCTPC footprint); Municipal LSEs (that serve load in the NCTPC footprint); Investor-Owned LSEs (that serve load in the NCTPC footprint); Non-Enrolled Transmission Providers/Transmission Owners (that are not LSEs in the NCTPC footprint); Transmission Customers (a customer taking Transmission Service from at least one Transmission Provider in the NCTPC); Generator Interconnection Customers (a customer taking FERC- or state-jurisdictional generator interconnection service from at least one of the Transmission Providers in the NCTPC); Eligible Customers and Ancillary Service Providers (includes developers; ancillary service providers; power marketers not currently taking transmission service; and demand response providers); and General Public. An Individual is only eligible to join the General Public Sector.

4.4.4.4 ~~2.4.4.4.~~ Only one individual TAG participant that has registered as an agent or employee of a TAG Sector Entity may vote on behalf of a particular TAG Sector Entity with regard to any particular vote. An individual TAG participant may vote on behalf of more than one TAG Sector Entity, if authorized to do so. Questions to be voted on will be answerable with a Yes or No.

4.4.4.5 ~~2.4.4.5~~ If a vote is to be taken, each TAG Sector that has at least one TAG Sector Entity representative, or at least one Individual or TAG Sector Entity representative in the case of the General Public Sector, present will receive a Sector Vote with a worth of 1.00. A Sector Vote is divisible. The vote of each TAG participant eligible to vote in a Sector Vote is not divisible. The vote of each TAG participant in a TAG Sector will be multiplied by 1.00 divided by the total number or TAG participants voting in such Sector to determine how the Sector Vote with a total worth of 1.00 will be allocated between "Sector Yes Votes" and "Sector No Votes." That is, each Sector Vote will be allocated such that the Sector Yes Vote(s) and Sector No Vote(s) totals 1.00. The Sector Yes Vote and Sector No Vote for each TAG Sector will then each be weighted by multiplying each of them by 1.00 divided by the number of TAG Sectors participating in the relevant vote. The results will be called "Weighted Sector Yes Vote" and "Weighted Sector No Vote." The winning position will be the larger of the Weighted Sector Yes Vote and Weighted

Sector No Vote. Appendix ~~3~~2 contains an example of the voting process.

4.4.5 ~~2.4.5.~~ Independent Third Party

4.4.5.1 ~~2.4.5.1~~ The ITP facilitates the overall NCTPC Process.

4.4.5.2 ~~2.4.5.2~~ A list of the ITP's primary responsibilities is found in *Scope - Planning Working Group* and *Scope - Oversight/Steering Committee.*

4.4.5.3 ~~2.4.5.3~~ The ITP also provides the leadership role in developing the ~~Enhanced Transmission Access Planning (ETAP)~~Economic Study Process, subject to the oversight of the OSC.

4.4.5.4 ~~2.4.5.4~~ The ITP maintains the content of the NCTPC Website.

4.4.5.5 ~~2.4.5.5~~ The ITP's role in decision-making varies based on which group s/he is participating as documented in the NCTPC documents posted on the NCTPC Website.

4.5 ~~2.5~~ Participation of State Regulators

State regulators, including state-sanctioned entities representing the public, like other members of the public, may choose to be TAG participants. State public utility regulatory commissions also may seek to receive periodic status updates and the progress reports on the NCTPC Process. State public utility regulatory commissions may be TAG Sector Entities in the General Public Sector.

5. ~~**3.**~~ **NOTICE PROCEDURES, MEETINGS, AND PLANNING-RELATED COMMUNICATIONS**

All information regarding transmission planning meetings and communications are located on the NCTPC Website.

5.1 ~~3.1~~ Notice

5.1.1 ~~3.1.1~~ Notice of all meetings of a component (TAG, PWG, OSC) will be by email to such component. All TAG meeting notices and agendas will be posted on the NCTPC Website.

5.1.2 ~~3.1.2~~ Information about signing up to be a TAG participant and to receive email communications is posted on the NCTPC Website.

5.1.3 ~~3.1.3~~ The OSC will publish highlights of its meetings on the NCTPC Website.

5.2 ~~3.2~~ Location

5.2.1 ~~3.2.1~~ The location of an OSC or PWG meeting will be determined by the component.

5.2.2 ~~3.2.2~~ The location of a TAG meeting will be determined by the OSC.

5.2.3 ~~3.2.3~~ Conference call dial-in technology will be available for meetings upon request.

5.3 ~~3.3~~ Meeting Protocols

5.3.1 ~~3.3.1~~ OSC

5.3.1.1 ~~3.3.1.1~~ The OSC chair schedules meetings, provides notice, ensures that meeting minutes are taken, develops the agenda, chairs the meetings.

5.3.1.2 The OSC generally will meet at least monthly, and more frequently as necessary.

5.3.1.3 OSC meetings are open to the OSC members (including the ITP), their alternates, PWG members, and, if approved, guests.

5.3.2 PWG

5.3.2.1 The PWG chair schedules meetings, provides notice, ensures that meeting minutes are taken, develops the agenda, and chairs the meetings.

5.3.2.2 ~~3.3.1.2~~ The ~~OSC~~PWG generally ~~will meet~~meets at least monthly, and more frequently as necessary.

5.3.2.3 ~~3.3.1.3~~ ~~OSC~~PWG meetings are open to the ~~OSC~~PWG members ~~(including~~, the ITP~~),~~, the OSC (and their alternates~~, PWG members, and, if approved, guests.~~

~~3.3.2 PWG~~

~~3.3.2.1 The PWG chair schedules meetings, provides notice, ensures that meeting minutes are taken, develops the agenda, and chairs the meetings.~~

~~3.3.2.2 The PWG generally meets at least monthly, and more frequently as necessary. 3.3.2.3 PWG meetings are open to the PWG members, the ITP, the OSC (and their alternates~~), and, if approved, guests.

5.3.3 ~~3.3.3~~ TAG

5.3.3.1 ~~3.3.3.1~~ TAG meetings are chaired and facilitated by the ITP.

5.3.3.2 ~~3.3.3.2~~ The TAG generally meets four times a year.

5.3.3.3 ~~3.3.3.3~~ Meetings of the TAG generally are open to the public, i.e., TAG participants. When necessary, TAG meetings may be restricted by the ITP to TAG participants that are qualified to receive Confidential Information.

5.3.3.4 ~~3.3.3.4~~ A yearly meeting and activity schedule is proposed, discussed with, and provided to TAG participants annually.

~~4.~~ ~~Overview of Enhanced Transmission Access Planning Process~~

6. OVERVIEW OF ECONOMIC STUDY PROCESS

6.1 ~~4.2.1~~ The ~~ETAP~~Economic Study Process is the ~~economic planning~~ process that allows the TAG participants to propose economic upgrades to be studied as part of the ~~transmission planning process. The ETAP~~Transmission Planning Process. The Economic Study Process evaluates the means to increase transmission access to potential supply resources inside and outside the Control Areas of the Transmission Providers. This economic analysis provides the opportunity to study what transmission upgrades would be required to reliably integrate new resources. ~~In addition, this economic analysis would include, if requested, the evaluation of Regional Economic Transmission Paths (RETPs) that would facilitate potential regional point-to-point economic transactions. RETPs are described in more detail below and in the document entitled *NCTPC*~~

~~*Transmission Cost Allocation* on the NCTPC Website.~~

6.2 ~~4.2.2~~ The ~~ETAP~~Economic Study Process begins with the TAG participants proposing scenarios and interfaces to be studied. The information required and the form necessary to submit a request as well as the submittal deadline is reviewed and discussed with the TAG participants early in the annual planning cycle. The form is posted on the NCTPC Website. The PWG will determine if it would be efficient to combine and/or cluster any of the proposed scenarios and will also determine if any of the proposed scenarios are of an Inter-Regional nature. The OSC will direct the TAG participants to submit the Inter-Regional study requests to the Southeast Inter-Regional Participation Process since those studies would have to be evaluated within that forum. Throughout the ~~ETAP~~Economic Study Process, TAG participants (including TAG participants representing transmission solutions, generation solutions, and solutions utilizing demand resources) may participate.

6.2.1 ~~4.2.3~~ The OSC will review the PWG analysis, approve the compiled study list, and provide the study list to the TAG. For the study scenarios that impact the NCTPC region, but are not Inter-Regional in nature, the TAG participants will select a maximum of five scenarios that will be studied within the current NCTPC planning cycle. If consensus cannot be reached as to which scenarios to study, the choice will be resolved through the TAG Sector Voting Process. The TAG participants may request that the five scenarios be combined or clustered.

6.2.2 ~~4.2.4~~ There will be no charge to the TAG participants for the five studies selected by the TAG participants. However, if a particular TAG participant wants the NCTPC to evaluate a scenario that was not chosen by the TAG participants, then the TAG participant can request to have the NCTPC conduct the study. The NCTPC will evaluate this request and will conduct the study if the study can be reasonably accommodated, however the cost of conducting this additional study will be allocated to that specific TAG participant.

~~4.2.5 RETPs~~

~~4.2.5.1 As part of the ETAP, TAG participants may propose that a particular RETP be studied. The creation of an RETP would permit energy to be transferred on a Point-to-Point basis from an interface or a Point of Receipt on one Transmission Provider's system to an interface or a Point of Delivery on another Transmission Provider's system for a specific period of time. A subscriber to an RETP is under no obligation to use the complete RETP, it may resell its rights to portions of the RETP. An RETP ensures that Point-to-Point Transmission Service can be provided over the Duke and/or Progress systems. The costs of the projects~~

~~necessary to create an RETP will be subject to the "requestor pays" cost allocation methodology described *infra*. A network customer may seek to use an RETP as the firm Point-to-Point Transmission Service necessary to support a designated network resource external to the Control Area in which its load is located.~~

~~4.2.5.2 The TAG participants will identify RETPs that they would like studied. There would be a need for an initial study of an RETP ("Initial RETP Study"). If a proposed RETP would be solely contained within the NCTPC, then the NCTPC Process would be used to address the RETP. However, if a proposed RETP would impact transmission providers outside the NCTPC, there will be a need to coordinate such an initial study with other transmission providers.~~

~~4.2.5.3 If an Initial RETP Study is performed, it would identify any transmission system problems/limitations related to the Transmission Providers impacted by the RETP and would identify the transmission solutions/upgrades that would be needed to accommodate the RETP. An RETP would be evaluated in the Initial RETP Study as if it was a request for Point-to-Point Transmission Service from a source control area (Point of Receipt) to a sink control area (Point of Delivery) over a specific period of time (the TAG participants requesting the study would determine the time period), but it will not be considered to be a request that is in the transmission queue. The Point of Receipt and Point of Delivery can be interfaces.~~

~~4.2.5.4 The Initial RETP Study would only provide preliminary information on the projected cost and scope of the facilities that would be needed to create the RETP, and the time it would take to complete the RETP. In the Initial RETP Study, each Transmission Provider along the RETP would identify the estimated costs for any upgrades necessary to provide service over the RETP.~~

~~4.2.5.5 If the RETP was totally contained within the NCTPC, then the following process would be used to move the RETP through the study to potential project commitment phases. Once the Initial RETP Study is complete, a determination would be made as to whether there is sufficient interest in the project to move the RETP from the "initial study" mode to the establishment of an "Open Season" for the RETP. The Open Season will provide the structure whereby Duke and Progress will be able to process these RETP Point-to-Point Transmission Service requests for the entire proposed MW of the RETP from the source control area to the sink control area for the relevant time period. During this Open Season all potential transmission customers would have a 60-day window~~

~~to put in their request to subscribe to all or a portion of the MW of service being made available along the RETP.~~

~~4.2.5.6 When the Open Season process is initiated by Duke and Progress, the transmission queue positions for these RETP requests will be established.~~

~~4.2.5.7 Through the Open Season process, which will be iterative, if the RETP is fully subscribed, it would move forward to a Facilities Study stage. After such stage, if it remained fully subscribed, the RETP would be included in the Collaborative Transmission Plan (and/or a supplement to such Plan) and Service Agreements will be executed (or filed on an unexecuted basis).~~

~~4.2.5.8 If an RETP encompasses Transmission Providers outside the NCTPC, the impacted Transmission Providers will work individually and through applicable stakeholder forums to perform the necessary studies and develop the processes that would be used to move from a study of a RETP to actual transmission reservations that would be needed to support the RETP. The above study and Open Season concepts could be used by these larger inter-regional transmission provider groups.~~

6.2.3 ~~4.2.6~~ The final results of the ~~ETAP~~Economic Study Process include the estimated costs and schedules to provide the increased transmission capabilities. The ~~enhanced transmission access study~~Economic Study Process results are reviewed and discussed with the TAG participants.

7. ~~4.3 Overview of the Steps in the Planning Processes~~ COLLABORATIVE TRANSMISSION PLAN DEVELOPMENT

The NCTPC Process is an iterative process that ultimately results in a single Collaborative Transmission Plan that appropriately balances the costs, benefits and risks associated with the use of transmission, generation, and demand-side resources.

7.1 Overview of the Collaborative Transmission Plan Development

7.1.1 ~~4.3.1~~ Each year, the OSC will initiate the process to develop the annual Collaborative Transmission Plan.

7.1.2 ~~4.3.2~~ The OSC will provide notice of the commencement of the process to develop the annual Collaborative Transmission Plan via e-mail to the TAG and posts a notice on the NCTPC Website.

7.1.3 ~~4.3.3~~ The process will allow for flexibility to make modifications to the development of the plan throughout the year as needs change, new needs arise, or new solutions to problems are identified.

7.1.4 ~~4.3.4~~ The schedule for all of the activities will be set by the PWG and OSC, but will vary from year to year. The basic order of events is as set forth in this Section ~~5,~~7, although the planning process is an iterative one. A list of relevant dates established for the planning cycle will be posted on the NCTPC website.

~~4.4 Summary Flow Chart of Process~~

~~The following page contains a flow chart of the NCTPC Process.~~

7.1.5 Although a Collaborative Transmission Plan is issued each planning year, because the Regional Project Selection Process (set forth in Section 8) takes more than one year to complete, in the first planning year after the effective date of this version of Attachment N-1, there will be no Regional Projects that have been selected for inclusion in the Collaborative Transmission Plan. In the second planning year, and planning years thereafter, there may be Regional Projects selected for inclusion in the Collaborative Transmission Plan. The following table provides an overview of the major tasks performed by the NCTPC, the TAG, and Developers and the approximate quarter in which they will occur, taking into account the difference between the first planning year and all subsequent planning years.

Overview of Planning Process by Quarter

	Q1 – Year 1 Only	Q2 – Year 1 Only	Q3 – Year 1 Only	Q4 – Year 1 Only	Q1 – Subsequent Years	Q2 – Subsequent Years	Q3
NCTPC	Obtain data, select assumptions, develop base case and change case models. Determine if any public policies are driving transmission needs.	Perform technical analysis, identify reliability problems. Run § 6 economic studies.	Develop and propose solutions to reliability problems and needs driven by public policy, if any. Finalize § 6 economic study results.	Issue draft Plan. Review Comments on draft Plan. Issue final Plan. Perform screening analyses on Regional Project Proposals	Same as Q1, Year 1. Plus: Perform Regional Project selection process.	Same as Q2, Year 1. Plus: Complete Regional Project selection process and issue draft and final Regional Project selection reports.	Same Plus: Nego Regio selec
TAG	Provide input regarding data, assumptions, base case models, change case models. Identify public policies driving transmission needs. Choose five economic studies. Obtain models and data to perform analysis.	Review NCTPC identified reliability problems.	Review NCTPC-proposed solutions and Regional Projects. Propose alternatives to NCTPC-proposed solutions and Regional Projects.	Provide comments on draft Plan. Review Regional Project Proposals. Provide comments on Regional Project Proposals and screening analyses.	Same as Q1, Year 1. Plus: Participate in meetings to discuss Regional Projects.	Same as Q2, Year 1. Plus: Comment on draft Regional Project selection report.	Same
Dev.	Obtain models and data to perform analysis.	Develop proposals for Regional Projects.	Propose Regional Projects.	Provide additional data on Regional Project Proposal if requested.	Same as Q1, Year 1. Plus: Participate in meetings to discuss Regional Projects.	Same as Q2, Year 1.	Same Plus: Nego selec

Notes:

- Dev. = Developer
- A Developer may be member of the TAG and perform TAG tasks as well.

~~5. CRITERIA, ASSUMPTIONS, AND DATA UNDERLYING THE PLAN AND METHOD OF DISCLOSURE OF TRANSMISSION PLANS AND~~

7.2 Process to identify if any public policies exist that drive transmission needs.

7.2.1 Each year, the OSC will determine if any there are any public policies driving the need for transmission.

7.2.1.1 The OSC will seek input (e.g. written comments) prior to the first quarter (Q1) TAG meeting from TAG participants, asking that they identify any public policies that are driving the need for transmission, pursuant to the criteria below.

7.2.1.2 The OSC may itself identify public policies that are driving the need for transmission.

7.2.1.3 There will be a discussion at the Q1 TAG meeting as to whether there are public policies that are driving the need for transmission.

7.2.2 Criteria for determining if public policy drives transmission need.

7.2.2.1 Public policy must be reflected in state, federal, or local law or regulation (including order of a state, federal, or local agency).

7.2.2.2 A transmission need will not be considered to be driven by public policy, if the need is readily addressed through the individual resource planning processes of LSEs and individual requests for Network Resource designations, i.e., where there is no apparent benefit to a collective approach.

7.2.3 The OSC will issue a decision as to whether any public policies are driving transmission needs within two weeks of Q1 TAG meeting and post such determination on the NCTPC Website. If one or more public policies are identified as driving transmission needs, the NCTPC will consider solutions to those needs and TAG participants may suggest Local or Regional Projects to meet those needs in accordance with the planning process. If no policies are identified for the planning year, public policy projects cannot be proposed as solutions.

7.3 ~~5.1~~ Study Assumptions

7.3.1 ~~5.1.1~~ The PWG will select the study assumptions for the analysis based on direction provided by the OSC.

7.3.2 ~~5.1.2~~ Once the PWG identifies the study assumptions, they will be reviewed with the TAG participants before the set of final assumptions are approved by the OSC. The process for this dialogue is in-person meetings, written submissions, and/or other forms of communication selected by TAG participants. Input should be provided in the timeframes agreed upon.

7.3.3 ~~5.1.3~~ The study assumptions shall be set forth in an annual *Study Scope Document.*

7.3.4 ~~5.1.4~~ The Transmission Providers will prepare the base case models. These models will be reviewed with the PWG to ensure that they represent the study assumptions approved by the OSC. TAG participants also may, upon request, review the base case models and provide input to the PWG with regard to whether the models represent the study assumptions approved by the OSC.

7.3.5 The Transmission Providers will also develop the necessary change case models as required to evaluate different resource supply scenarios and economic scenarios as directed by the OSC. Such change case models will also be reviewed with the PWG to ensure that they represent the study assumptions approved by the OSC. TAG participants also may, upon request, request to review the change case models and provide input to the PWG with regard to whether the models represent the study assumptions approved by the OSC.

7.3.6 ~~5.1.5 The Transmission Providers will also develop the necessary change case models as required to evaluate different resource supply scenarios and enhanced transmission access scenarios as directed by the OSC. Such change case models will also be reviewed with the PWG to ensure that they represent the study assumptions approved by the OSC. TAG participants also may, upon request, request to review the change case models and provide input to the PWG with regard to whether the models represent the study assumptions approved by the OSC.5.1.6~~ In order to ensure comparability, customers taking Network Transmission Service are expected to accurately reflect their demand response resources appropriately in their annual load forecast projections. Customers taking Point-to-Point Transmission Service are expected to accurately reflect their demand response resources in submitting their requests for Transmission Service and in submitting information about potential needs for Point-to-Point Transmission Service. Eligible Customers providing information about potential needs for Point-to-Point Transmission Service are expected to accurately reflect their demand response resources in submitting information. To the extent a TAG participant has a demand response resource or a generation resource that the TAG participant desires the NCTPC to specifically consider as an alternative to transmission expansion, or otherwise in conjunction with the NCTPC Process, such TAG participant sponsoring such demand response resource or generation resource shall provide the necessary information (cost, performance, lead time to install, etc.) in order for the NCTPC to consider such demand response resource or generation resource alternatives comparably with other alternatives.

7.4 ~~5.2~~ Study Criteria

7.4.1 ~~5.2.1~~ The PWG establishes the planning criteria by which the study results will be measured, in accordance with NERC and SERC Reliability Standards and individual Transmission Provider criteria. TAG participants may review and comment on the planning criteria.

7.4.2 ~~5.2.2~~ Transmission System planning documents of ~~Duke and Progress~~the Transmission Providers will be posted on their respective OASIS sites. Some planning documents may not be posted due to CEII and confidentiality concerns, but will be identified such that they can be requested via the methodology posted on the relevant OASIS.

7.5 ~~5.3~~ Data Collection and Case Development

7.5.1 ~~5.3.1~~ The most current Multi-Regional Modeling Working Group (MMWG) or SERC Long-Term Study Group model will be used for the systems external to ~~Duke and Progress~~the Transmission Providers as a starting point for the base case to be used by ~~both Progress and Duke~~the Transmission Providers. The base case will include the detailed internal models for ~~Progress and Duke~~the Transmission Providers and will include current transmission additions planned to be in-service for given years.

7.5.2 A Merchant Transmission Developer that is considering constructing a project that will interconnect with the facilities of a Transmission Provider is encouraged to provide the following information to the NCTPC in Q1: Location of proposed facilities; Substation(s) where Merchant Transmission Developer proposes to interconnect or add its facilities; Proposed voltage and nominal capability of new facilities or increase in capability of existing facilities; Description of proposed facilities and equipment; and Planned date the proposed facilities will be in service. The provision of such information to the NCTPC, however, will not be treated as a substitute for a request for interconnection service. A formal interconnection request is still required and should be directed to the relevant Transmission Provider(s).

7.5.3 ~~5.3.2~~ The following data are relevant to the development of internal models for ~~Progress and Duke~~the Transmission Providers:

Load and resource projections provided by network customers (including the native load of the NCTPC Participants);

Confirmed, firm point-to-point transmission service reservations (including rollover rights);

Generation real and reactive capacity data;

Generation dispatch priority data;

Transmission facility impedance and rating data; ~~and~~

Merchant Transmission Developer projects, if: 1) interconnection service has been requested of Transmission Provider(s); 2) all necessary interconnection studies have been completed; 3) any necessary certificates of public convenience have been obtained from the relevant state(s); and 4) the Merchant Transmission Developer has submitted an attestation or other evidence that a minimum of 50% of the capacity of the facility has been subscribed; and

Interchange data adjusted to correctly model transfers associated with designated network resources from outside the Transmission Providers' Control Areas.

7.5.4 ~~5.3.3~~ The Transmission Providers collect the necessary planning data and information that are not already in their possession~~. One element of this data collection process will be the annual collection of data from Network Customers required by this Tariff~~. Any guidelines, data formats, and schedules for any data and information exchanges will be established by the PWG. Aside from the annual submission of data by Network Customers, the timing of this data collection process is established as part of the development of the annual study work plan that is prepared by the PWG, reviewed with the TAG participants, and approved by the OSC.

7.5.5 A Merchant Transmission Developer should inform the NCTPC in writing if the following conditions have been met with regard to a proposed project: 1) interconnection service has been requested of Transmission Provider(s); 2) all necessary interconnection studies have been completed; 3) any necessary certificates of public convenience have been obtained from the relevant state(s); and 4) the Merchant Transmission Developer has submitted an attestation or other evidence that a minimum of 50% of the capacity of the facility has been subscribed.

7.5.6 ~~5.3.4~~ TAG participants may provide additional input into the data collection process (i.e., the provision of data not required to be submitted under this Tariff), such as providing information on future point-to-point transmission service scenarios. Such non-required information may be used in the appropriate study process.

7.5.7 ~~5.3.5~~ Transmission customers should provide the Transmission Providers with timely written notice of material changes in any information previously provided relating to load, resources, or other aspects of their facilities or operations affecting the Transmission Provider's ability to provide service. Network customers may provide revised versions of previously submitted annual data reporting forms.

7.5.8 ~~5.3.6~~ Additional cases will be developed as required for different scenarios to evaluate other options to meet load demand forecasts in the study, including where fictitious or as yet undesignated network resources are deemed to be designated. Other cases may be developed and approved by the OSC to evaluate enhanced access scenarios, such as predicted future point-to-point transmission uses, as submitted by the TAG participants.

7.5.9 ~~5.3.7~~ The Case Development details will be identified in the annual *Study Scope Document.*

7.5.10 ~~5.3.8~~ Sufficient information will be made available, subject to CEII and confidentiality restrictions, to enable TAG participants to replicate the results of planning studies. A TAG participant seeking data and information that would allow it to replicate the NCTPC planning studies should provide such request to the ITP, who will verify that confidentiality requirements described in Section ~~9~~13 have been met before providing such information.

7.5.11 Status Reports

7.5.11.1 In Q2, the Transmission Providers and any Developers responsible for approved Local and Regional Projects will provide the ITP a written report on the status of the transmission upgrades presented in the previous Collaborative Transmission Plans. A composite update will be posted on the NCTPC Website and will include the following information: the name of the project, the issue it resolves, the name of the relevant Transmission Provider(s), the original planned in-service date and the current expected in-service date and an explanation of the reasons for any change. This report will be reviewed at the Q2 TAG meeting. Cost estimates will also be updated at this time. For projects on which work has commenced, the total estimated cost and remaining cost will be included.

7.6 ~~5.4~~ Study Methodology

7.6.1 ~~5.4.1~~ The PWG determines the methodologies that will be used to carry out the technical analysis required for the approved studies. The PWG also determines the specific software and models that will be utilized to perform the technical analysis. The study methodology will be identified in the annual *Study Scope Document.* TAG participants may review and comment on the study methodology.

7.7 ~~5.5~~ Technical Analysis and Study Results

7.7.1 ~~5.5.1~~ The PWG performs the technical study analysis in accordance with the OSC approved study methodology and produces the study results.

7.7.2 ~~5.5.2~~ Results from the technical analysis are reported to identify transmission elements approaching their limits such that all NCTPC Participants are made aware of potential issues and appropriate steps can be identified to correct these issues, including the potential of identifying previously undetected problems.

7.7.3 ~~5.5.3~~ Study results are made available to the TAG participants for review and comment.

7.8 ~~5.6~~ Assessment and Problem Identification

7.8.1 ~~5.6.1~~ The Transmission Providers provide the summary data identifying the reliability problems and causes resulting from their assessments and comprehensively review the information with the PWG. The PWG evaluates the technical results provided by the Transmission Providers to identify problems and issues and reports to the OSC.

7.8.2 ~~5.6.2~~ TAG participants are provided information relating to technical assessments and problem identification.

7.9 ~~5.7~~ Project Solution Development

7.9.1 ~~5.7.1~~ The PWG identifies potential solutions to the transmission problems identified and will test the effectiveness of the potential solutions through additional analysis as required and ensure that the solutions meet the study criteria previously developed.

7.9.2 ~~5.7.2~~ TAG participants will have the opportunity to propose alternative transmission, generation and/or demand response solutions. TAG participants shall provide the necessary information (cost, performance, lead time to install, etc.) for proposed generation and/or demand response alternative solutions so that they may be compared with other alternatives. A Developer proposing a Regional Project as a solution must do so in accordance with the steps set forth in Section 8.

7.9.3 A Merchant Transmission Developer may propose a participant-funded project as an alternative solution and use this planning process to promote the proposal among TAG stakeholders.

7.9.4 ~~5.7.3~~ All solution options that satisfactorily resolve an identified reliability problem would be given consideration on a comparable basis.

7.9.5 ~~5.7.4~~ The Transmission Providers estimate the costs for each of the proposed solutions ~~(e.g., cost, cash flow, present value)~~, other than Regional Projects, and develop a rough schedule estimate to implement the ~~solution~~solutions. This information is reviewed and discussed by the PWG. Cost estimates for transmission solutions will be prepared in accordance with NCTPC cost estimate guidelines, which will be posted on the NCTPC website.

7.10 ~~5.8~~ Selection of Preferred Transmission Plan

7.10.1 ~~5.8.1 The PWG compares all of the alternatives and~~Taking into account the Final Report on Regional Project Selection, the PWG selects the preferred ~~solution by balancing~~set of solutions to be recommended for inclusion in the Collaborative Transmission Plan by considering the solutions' costs, benefits, and associated risks~~. Competing solutions will be evaluated against each other based on a comparison of their relative economics, timing, feasibility, and effectiveness of performance. 5.8.2 The PWG selects a preferred set of solutions that provides~~ and determining the most reliable and cost effective ~~solution while prudently managing the associated risks~~solutions.

7.10.2 ~~5.8.3~~ The PWG provides the OSC and the TAG participants with their recommendations based on this selection process in order to obtain their input.

7.11 ~~5.9~~ Collaborative Transmission Plan Report

7.11.1 ~~5.9.1~~ The PWG prepares a draft "Collaborative Transmission Plan Report" ("Draft Plan") based on the study results and the recommended solutions and provides the draft to the OSC for review. The ~~draft Report~~Draft Plan describes the plan in a manner that is understandable to the TAG participants (e.g., describing any needs, the underlying assumptions, applicable planning criteria, and methodology used to determine the need), rather than simply reporting engineering results.

The ~~report~~Draft Plan includes a comprehensive summary of all the study activities as well as the recommended solutions including estimates of costs and construction schedules.

7.11.2 ~~5.9.2~~ The OSC forwards the ~~draft report~~Draft Plan to the TAG participants for their review and discussion. The PWG members are the technical points of contact that can respond to questions regarding modeling criteria, assumptions, and data underlying the ~~Report~~Draft Plan. The TAG participants may discuss, question, or propose alternatives for any upgrades identified by the ~~draft Report~~Draft Plan.

7.11.3 ~~5.9.3~~ The OSC evaluates the results and the PWG recommendations and the TAG participants' input. The OSC approves the final Collaborative Transmission Plan for posting on the NCTPC Website. The Plan also is posted on the Transmission Providers' OASIS and distributed to the TAG participants. If a Regional Project is included in the Collaborative Transmission Plan it has been selected for regional cost allocation in a regional transmission plan.

7.11.4 ~~5.9.4~~ The Collaborative Transmission Plan ~~Report~~ allows the NCTPC Participants to identify alternative, least-cost resources to include with their respective Integrated Resource Plans. Others can similarly use this information for their own resource planning purposes.

7.11.5 ~~5.9.5~~ The Collaborative Transmission Plan, and the associated models, serve as the basis for the models that the Transmission Providers provide as input to the ~~develop~~development of the SERC-wide model as described in Section ~~10.~~7.5.

~~5.10 Status Reports~~

~~5.10.1 As part of the NCTPC Process, the Transmission Providers periodically provide the TAG participants a report on the status of the transmission upgrades presented in the previous Collaborative Transmission Plans. The update is posted on the NCPTC Website and includes the following information: the name of the project, the issue it resolves, the name of the relevant Transmission Provider(s), the original planned in-service date and the current expected in-service date.~~

8. REGIONAL PROJECT SELECTION PROCESS

This Section sets forth the methodology used by the NCTPC to determine if any Regional Projects should be included in the Collaborative Transmission Plan.

8.1 Regional Projects are projects that:

8.1.1 Typically encompass multiple Transmission Providers' footprints; however if it can be demonstrated that a transmission project within a single Transmission Provider's footprint provides regional benefits, it can qualify;

8.1.2 Are of a voltage level of 230 kV or above;

8.1.3 Have a project cost of at least $10 million;

8.1.4 Will be subject to the Tariff of the Transmission Provider(s) for open access purposes;

8.1.5 Must be materially different than a project or projects currently in the Collaborative Transmission Plan. As an example, a Developer may not simply "bundle" several transmission projects that are currently in the Collaborative Transmission Plan and claim that it is a Regional Project. Examples of how a Regional Project might materially differ from a project already included in the plan include changes in equipment size or different terminal bus locations, among other things.

8.2 Submission of Regional Project Proposals

8.2.1 The NCTPC will announce a date in Q3 by which all Developers must submit Regional Project Proposals. Such Regional Project Proposals must include the two sets of information identified below: Project Information to be Submitted with Regional Project Proposals and Developer Qualification Information to be Submitted with Regional Project Proposals. In providing such information, Developer should take into account the project selection criteria identified in Section 8.4.3. The Developer must also submit a deposit of $25,000. The actual costs incurred by the NCTPC to analyze Regional Projects will be borne by the Developer and the deposit will be trued up based on the documented cost of the analysis.

8.2.2 A Regional Project Proposal may include upgrades to existing or proposed (i.e., facilities that a Developer is expected to own but are not yet in service) facilities of one or more transmission providers, Non-Incumbent Developers, or Merchant Transmission Developers. If a Regional Project Proposal includes such upgrades and the Developer is not also the owner of the facilities to be upgraded, the Developer must offer the owner of the facilities the option to design, build, operate, and maintain the portions of the Regional Project that are upgrades to such owner's facilities. If the owner of the facilities to be upgraded declines to design, build, operate, and/or maintain the portions of the Regional Project that are upgrades to its facilities, the Developer proposing the Regional Project may design, build, operate, and/or maintain the portions of the Regional Project that are upgrades to the owner(s)' facilities. Nothing in this OATT affects any Developer's rights under state law with regard to its real property (including rights of way and easements).

8.2.3 Project Information to be Submitted with Regional Project Proposals. The list below should be considered the required elements of a proposal. In determining what information to submit, Developers should consider the criteria which may be taken into account in determining whether to select a Regional Project:

8.2.3.1 Description of Owner(s);

8.2.3.2 Transmission project technical information:

(a) Description of the transmission facilities being proposed (e.g., voltage levels, etc.);

(b) If a transmission line(s), general path of the line(s);

(c) Any interconnection points with the transmission system;

(d) In-service date for the project(s);

8.2.3.3 Estimated cost of the project(s) (total estimated capital cost of project, fully loaded including contingencies and overhead, expressed in current year dollars)

8.2.3.4 Project financing approach;

8.2.3.5 Explanation of how project will abide by any transmission standards of Transmission Provider(s) with which project will interconnect;

8.2.3.6 Potential impacts to other transmission projects in the prior year's plan;

(a) Identification of the proposed transmission project(s) that would be avoided if Regional Project selected;

(b) Schedule or project modification impacts;

(c) Cost impacts (both positive and negative);

(d) This impact analysis should take into account the status of the proposed transmission projects that would be avoided;

8.2.3.7 Reliability impact assessment;

8.2.3.8 Load flow cases that demonstrate the expected performance of the project(s);

8.2.3.9 Whether the project would require state transmission siting proceedings, National Environmental Policy Act review, or federal permits. Describe the legal authority, if any, that will need to be obtained by the Developer to site/own transmission under relevant state law. Identify the authorized governmental body that will review the Developer's applications for siting approval for projects within the NCTPC region.

(a) Describe the process the Developer will use to obtain transmission siting approval including the authority to acquire rights of way by eminent domain, if necessary, that would facilitate approval and construction of the project.

(b) Describe the process that the Developer will use for the preparation of any required application for siting approval, including milestones and a description of supporting studies and other evidence.

(c) Describe the Developer's experience in the areas above.

8.2.3.10 The projected costs of the transmission project(s) being avoided, which cost estimates would be available in the prior year's Collaborative Transmission Plan, should be used in developing this proposal.

8.2.4 Developer Qualification Information to be Submitted with Regional Project Proposals

In addition to providing information about the entity that will develop and own the Regional Project, a Developer may provide information, as relevant, about affiliates and parent entities. Once a Developer has passed the Developer Analysis Screen for a Regional Project Proposal, the Developer will not have to resubmit the complete Qualification Information for other projects of comparable or lesser price and scope, but instead is permitted to indicate whether there are material changes that should be made to the information provided in its prior submission. If a Developer seeks to have any of the information being submitted treated as Confidential Information, it should so identify such information as Confidential Information and its release to TAG participants will be governed by Section 13.

8.2.4.1 Financial

(a) Current credit rating from Moody's Investor Services, Standard & Poors, and/or Fitch if available;

(b) Ability to assume liability for major losses resulting from failure of facilities;

(c) To the extent a Developer is an electric utility and relies on an affiliated transmission and distribution utility for credit, investment, or other financing arrangements, it shall demonstrate that any such arrangement complies with applicable legal and regulatory requirements and restrictions;

(d) Provide a summary of any history of bankruptcy, dissolution, merger, or acquisition of the project developer or any predecessors in interest for the current calendar year and the five calendar years immediately preceding its submission of information related to affiliated entities.

8.2.4.2 Construction

(a) Technical and engineering qualifications and experience;

(b) Past history of meeting transmission project schedules;

(c) Capability to adhere to standardized construction practices;

(i) If the Developer intends to build the transmission project and then turn it over to another Transmission Provider for operations and maintenance, the Developer must demonstrate that it will meet any additional engineering standards of the Transmission Provider who will be performing the operations and maintenance (O&M).

(d) Past history regarding construction of transmission facilities;

(i) Cost containment capability and other advantages the Developer may have to build the specific project.

(ii) A discussion of the Developer's business practices that demonstrate that its business practices are consistent with good utility practices for proper licensing, designing, ROW acquisition, constructing, operating and maintaining transmission facilities that will become part of the transmission grid.

8.2.4.3 O&M/Reliability

(a) Past history regarding O&M of transmission facilities and/or contracting for the O&M of transmission facilities;

(b) Capability to adhere to standardized O&M practices;

(c) Plan on how it intends to comply with all applicable reliability standards and obtaining the appropriate NERC certifications;

(d) Past record of compliance with NERC standards.

8.2.4.4 Legal/Regulatory

(a) For the current calendar year and the previous five calendar years, provide a list and descriptive summary of violations of law and/or regulation by the Developer as determined by federal or state courts, federal regulatory agencies, state public utility commissions, other regulatory agencies, or attorneys general, that resulted in a monetary payment (including settlements) and arose related to the Developer's transmission business.

(b) A summary of any instances in which the Developer is currently under investigation or is a defendant in a proceeding involving an attorney general or any state or federal regulatory agency, for violation of any laws, including regulatory requirements that relate to its transmission business.

8.2.4.5 Developer shall include an affidavit by an officer of the project developer stating that the information that is being submitted is true and that the project developer will comply with the provisions identified in the qualification data submittal.

8.2.5 The ITP will review the Regional Project Proposals and ensures that they are complete. If incomplete, the Developer(s) will be given an explanation of the deficiencies and an opportunity to resubmit its proposal within 14 days. The purpose of this review is to ensure that the NCTPC has sufficient information to perform the screening analyses discussed below.

8.2.6 All Regional Project Proposals will be posted on the NCTPC website shortly after the due date for such proposals.

8.3 Screening Process for Regional Projects

To be selected as a Regional Project, a Regional Project must pass three high-level screening analyses the purpose of which is to screen out non-viable Regional Projects and/or unqualified Developers. TAG participants may provide written comments to the OSC as to whether a Developer should pass or fail the screening analyses. To the extent possible, the OSC will work with the Developer during this screening analyses process to identify and resolve potential issues that might cause one or more of the screening analyses to fail. The OSC may seek additional information from a Developer in order to perform the screening analyses.

8.3.1 Developer Screen

8.3.1.1 The OSC will determine if a Developer appears sufficiently qualified to finance, license, and construct the Regional Project and operate and maintain it for the life of the project.

8.3.1.2 If a Developer lacks an Investment Grade Bond Rating from two of the following three credit rating agencies: Moody's, Standard and Poors, Fitch, it may be required to provide additional evidence of its financial abilities, including indicating a willingness to post security if its Regional Project is selected in the Collaborative Transmission Plan.

8.3.1.3 If a Developer "passes" the Developer Screen, the Developer remains qualified for later submissions for other Regional Projects of comparable cost and scope as the Regional Project for which it was originally evaluated, even if prior projects are never included in a Collaborative Transmission Plan, subject to an attestations that the other data initially submitted remain true and correct.

8.3.2 Technical Analysis Screen

8.3.2.1 PWG reviews power flow and other technical documentation regarding Regional Project Proposal and recommends to OSC whether the Regional Project passes or fails the Technical Analysis, i.e., whether it is feasible from a reliability standpoint. PWG will examine the following factors to the extent applicable:

(a) Impacts on other transmission projects in the plan (schedule or project modification impacts);

(b) Reliability impacts;

(c) Operational impacts, including but not limited, to impacts on congestion, constraints and Available Transfer Capability;

(d) Risk factors;

(e) Cost estimates;

(f) Whether the Regional Project solves the same issues as the transmission projects being avoided.

8.3.2.2 OSC reviews PWG recommendation and determines whether the Regional Project passes or fails.

8.3.3 Benefit Analysis Screen

8.3.3.1 The OSC reviews Developer's analysis to ensure the Regional Project Proposal meets a 1.25 Benefit/Cost ratio.

8.3.4 The OSC will issue a written report on the screening analyses results.

8.3.5 Failure of Screening Analyses

8.3.5.1 If a Regional Project fails any of the three screening analyses, any other analysis will be stopped.

8.3.5.2 If Regional Project fails any analysis, Developer may challenge such determination through the Dispute Resolution process.

8.3.5.3 A Developer may revise a Regional Project Proposal that has failed and submit it during the next window for submitting Regional Projects.

8.4 Regional Project Selection

The PWG and OSC, assisted by the TAG participants, will undertake a thorough review of all Regional Projects that passed the screening analyses to determine which Regional Projects will be included in the Collaborative Transmission Plan issued in the year following the year in which the Regional Project Proposal was submitted.

8.4.1 Project Meetings: The OSC will direct the ITP to work with the Developers to schedule meetings, as needed, to more fully vet the Regional Project proposals. These meetings will be the venue to discuss the proposed project including the transmission technical aspects, transmission project cost, computation of the benefits, the allocation of costs to the proposed beneficiaries, and qualification of Developers. Meetings will be open to the public and notice will be provided on the NCTPC website. Additional information may be sought from the Developer, if deemed necessary.

8.4.2 The OSC will seek written comments from the TAG participants on Regional Project Proposals, including the qualifications of Developers and the proposed cost allocation. Such comments will be made public. Commenters may want to address the criteria listed in Section 8.4.3 in submitting comments.

8.4.3 OSC determines which Regional Projects should result in a more efficient and cost-effective transmission system. Specifically, the NCTPC will confirm that the Developer is deemed adequately capable with regard to the three areas below. If multiple Developers are proposing mutually exclusive Regional Projects, these factors will be used on a comparative basis:

8.4.3.1 Engineering Design (Reliability/Quality/General Design): Measures whether the Developer has necessary capability with regard to ensuring an appropriate quality of design, material, technology, and life expectancy of a Regional Project.

(a) Type of construction (wood, steel, design loading, etc.)

(b) Losses (design efficiency)

(c) Estimated life of construction

(d) Reliability/Quality Metrics

8.4.3.2 Construction (Project Management): Measures whether Developer has necessary capability with regard to constructing projects similar in scope.

(a) Engineering

(b) Environmental

(c) ROW Acquisition

(d) Procurement

(e) Project Management (including scope, schedule management)

(f) Construction

(g) Commissioning

(h) Timeframe to construct

(i) Experience/Track Record

8.4.3.3 Operations (Operations/Maintenance/Safety): Measures whether Developer has necessary capability with regard to safely operating, maintaining, and restoring transmission projects.

(a) NERC compliance – process/history

(b) Storm/Outage response plan

(c) Reliability metrics

(d) Restoration Experience/Performance

(e) Maintenance Staffing/Training

(f) Maintenance plans

(g) Equipment

(h) Maintenance performance/expertise

(i) Internal safety program

(j) Contractor safety program

(k) Safety performance record (program execution)

8.5 Draft Report and Final Report on Regional Project Selection

8.5.1 The OSC will issue a Draft Report on Regional Project Selection indicating which Regional Projects are approved and which are not and provide a written basis for its decision. Such Draft Report on Regional

Project Selection will include the proposed cost allocation for the Regional Projects' Transmission Revenue Requirements.

8.5.2 The TAG participants will be asked to comment on the OSC's Draft Report on Regional Project Selection.

8.5.3 After considering any comments received, OSC issues a Final Report on Regional Project Selection which includes a list of approved Regional Projects.

8.6 Disputes over the approval or failure to approve Regional Projects will be addressed through the Dispute Resolution provisions.

8.7 Activities After Issuance of the Final Regional Project Selection Report

8.7.1 Because Non-Incumbent Developer(s) have no written contractual or tariff relationship with the Transmission Providers the following process is intended to provide sufficient documentation relating to the written contractual relationship that must be formed. Ultimately, the Non-Incumbent Developer(s) of a Regional Project will enter into a Non-Incumbent Developer Interconnection Agreement with the Transmission Providers that own the facilities with which an approved Regional Project will interconnect and/or to whom costs will be allocated that sets forth the rights and obligations of the parties as to the Regional Project. Because the development of such final contractual arrangements may take some time, the MOU process described below will be used to establish that there is a sufficient meeting of the minds as to the rights and obligations of the project to include the Regional Project in the Collaborative Transmission Plan. A Regional Project will not be included in the Collaborative Transmission Plan unless an MOU is executed. Note that a Collaborative Transmission Plan may be updated, and such update may be for the purpose of including a Regional Project for which the MOU was not executed on the date the Collaborative Transmission Plan became final.

8.7.2 After a Regional Project is approved by the OSC in the Final Report on Regional Project Selection discussed in Section 8.5, the Transmission Providers will negotiate an MOU with the Non-Incumbent Developer that will be the basis for the Non-Incumbent Developer Interconnection Agreement. Such MOU will include:

8.7.2.1 Interconnection provisions;

8.7.2.2 Provisions indicating allocation of responsibility for meeting NERC standards;

8.7.2.3 Provision indicating that transmission service over facilities will be provided pursuant to the Transmission Providers' OATT(s) and delineation of which facilities are subject to which OATT;

8.7.2.4 Provisions relating to operational control of the facilities;

8.7.2.5 Provisions regarding allocation of costs;

8.7.2.6 A development schedule that indicates the required steps, such as the granting of state approvals, necessary to develop and construct the transmission facility;

8.7.2.7 Provisions regarding responsibility for physical operation of Regional Project and maintenance of Regional Project;

8.7.2.8 Provisions regarding the assignment of the Non-Incumbent Developer Interconnection Agreement in the event the Developer seeks to assign such Agreement in the future;

8.7.2.9 Provisions regarding liability/indemnification.

8.7.3 It is intended that the MOU provide sufficient contractual certainty to allow a Developer to seek siting approval and financing for a Regional Project. If additional contractual certainty is required, the Transmission Providers and Developers will use their best efforts to enter into such document(s) on an expedited basis, but this contract activity will not delay the inclusion of the Regional Project in the Collaborative Transmission Plan.

9. COST ALLOCATION FOR REGIONAL PROJECTS

9.1 OATT Cost Allocation

With the exception of "Regional Projects" nothing in this Attachment is intended to alter the cost allocation policies of the Tariff.

9.2 Costs Allocated to Transmission Providers Based on Determination of Relative Benefits

The Transmission Providers, who are identified in the enrollment process described in this Attachment, are the beneficiaries to whom costs of Regional Projects will be allocated. Cost allocations will be reflected in terms of a percentage of the relevant Transmission Revenue Requirement for a Regional Project being allocated to each Transmission Provider.

9.3 Cost Allocation for Regional Projects

The cost allocation methodology for Regional Projects is based on an "avoided transmission cost benefits" approach. An avoided transmission cost benefit can be demonstrated by showing that a Regional Project is a more efficient and cost-effective transmission solution to meet the needs of the Transmission Providers than the individual Transmission Providers' developing projects to meet such needs on a stand-alone basis. The relative benefits will be measured by comparing the costs to Transmission Providers of the planned alternatives of each Transmission Provider. A 1.25 Benefit to Cost ratio must be demonstrated for Regional Projects.

The Benefit to Cost ratio calculation would be expressed: Total Cost of Transmission Avoided ÷ Cost of the Regional Project (including the cost of any additional projects required to implement the proposal) ≥ 1.25.

The avoided cost approach formula can be expressed as follow:

(Transmission Provider$_x$'s Avoided Cost/Total Avoided Cost) * cost of Regional Project = Transmission Provider$_x$'s Cost Allocation

(Transmission Provider$_y$'s Avoided Cost/Total Avoided Cost) * cost of Regional Project = Transmission Provider$_y$'s Cost Allocation

Note that the costs of a Regional Project may be allocated 100% to a single Transmission Provider but some portion of the Regional Project must be located in the footprint of the Transmission Provider whose allocation is 0%; otherwise the project would be a Local Project.

If a Transmission Provider does not avoid any transmission costs, it is not a beneficiary and is not allocated any costs.

10. REGIONAL PROJECT DEVELOPMENT

10.1 The NCTPC may delay, revise, or cancel a Regional Project included in the Collaborative Transmission Plan if subsequent events result in a finding that the expected benefits of the Regional Project will be significantly different due to a change in circumstances. Decisions regarding such matters will take into account the current status of a Regional Project. The Non-Incumbent Developer Interconnection Agreement will address the issue of cost recovery in the event of a cancellation of a Regional Project after such agreement is executed.

10.2 Process if Developer Abandons a Regional Project

If a Regional Project is abandoned by a Developer, the impacted Transmission Providers may seek to complete the Regional Project (in accordance with all applicable laws and regulations) or to propose alternative projects (including non-transmission alternatives) that will ensure that any reliability need is satisfied in an adequate manner. If a NERC Registered Entity believes that abandonment will cause it to violate a specific NERC Reliability Standard, and the Transmission Providers have not chosen to complete the project in order to prevent the violation, or cannot complete such a project in a timely fashion, the NERC Registered Entity will be expected to submit a mitigation plan to the appropriate entity to address the violation. A copy of the mitigation plan should also be submitted to the NCTPC.

10.3 Delays in Completion of Regional Project

The MOU and/or the Non-Incumbent Developer Interconnection Agreement will include a development schedule with specific Milestones. For Incumbent Developers, the Milestones will be set forth in a document in a form acceptable to the NCTPC.

10.3.1 Developers of Regional Projects will have an obligation to report delays in project development and construction of Regional Projects to the NCTPC on a Milestone-by-Milestone basis.

10.3.2 If a delay in the completion of a Regional Project potentially would cause a Registered Entity to violate a NERC Reliability Standard, the Registered Entity should inform the NCTPC as soon as it is aware of the possibility.

10.3.3 The NCTPC will reevaluate the regional transmission plan to determine if delays in the Regional Project require the evaluation of alternative solutions to ensure the relevant Registered Entity can meet its reliability needs or service obligations. The Registered Entity may pursue solutions within its footprint that will enable it to meet its reliability needs or service obligations. Delays in achieving Milestones can result in a Regional Project being cancelled.

11. ~~6.~~ DISPUTE RESOLUTION MECHANISM

11.1 ~~6.1~~ NCTPC Process Disputes

11.1.1 ~~6.1.1~~ The OSC voting structure allows the ITP to cast a tie breaking vote if necessary to decide on a particular issue.

11.1.2 ~~6.1.2~~ A Transmission Provider has the right to reject an OSC decision if it believes that it would harm reliability.

11.1.3 ~~6.1.3~~ Any NCTPC Participant or TAG participant has the right to seek assistance from the North Carolina Utilities Commission (NCUC) Public Staff to mediate an issue and render a non-binding opinion on any disputed decision.

11.1.4 ~~6.1.4~~ If the Participants cannot resolve a disputed decision by NCUC Public Staff facilitation, they may seek review from a judicial or regulatory body that has jurisdiction.

11.2 ~~6.2~~ Transmission Siting Disputes

11.2.1 ~~6.2.1~~ The South Carolina Code of Laws Section 58, Chapter 33 addresses disputes involving utilities' transmission projects that require South Carolina authorization through the certificates of public convenience and necessity process.

11.2.2 ~~6.2.2~~ NCUC Rule R8-62 addresses disputes involving utilities' transmission projects that require North Carolina authorization through the certificates of public convenience and necessity process.

11.3 ~~6.3~~ Integrated Resource Planning Disputes

11.3.1 ~~6.3.1~~ The NCUC allows public participation in and may hold hearings regarding matters related to integrated resource planning.

11.3.2 ~~6.3.2~~ The South Carolina Public Service Commission allows public participation in and may hold hearings regarding matters related to integrated resource planning.

11.4 ~~6.4~~ Tariff Disputes

11.4.1 ~~6.4.1~~ The dispute resolution process provisions included in this Tariff apply to disputes involving compliance with the Commission's transmission planning obligations set forth in Order No. ~~890.~~890 and Order No. 1000. Any TAG participant, not just a TAG participant that is a Transmission Customer, may avail itself of the dispute resolution provision of the Tariff, as that process is modified below.

11.4.2 ~~6.4.2~~ If a TAG participant has completed the negotiation step set forth in Section 12.1 of this Tariff, a TAG participant may ask to have the issue mediated on a non-binding basis before the next step (i.e., arbitration) commences. A request for mediation must be made within thirty days of the agreed-upon conclusion of the negotiation step. If the mediation step is concluded without resolution, the disputing party has thirty days to inform the Transmission Provider that it seeks to commence the arbitration step set forth in Section 12.2. If this mediation option is selected, the parties to the dispute will use the Commission's Dispute Resolution Service as the forum for mediation.

11.4.3 ~~6.4.3~~ Matters over which the Commission does not have jurisdiction, including planning to meet retail native load of the Transmission Providers shall not be within the scope of the dispute resolution process of this Tariff.

~~6.5 Regional Reliability Project Planning Disputes~~

~~6.5.1 The Commission's Dispute Resolution Service would be used to settle any issues arising from the cost allocation related to Regional Reliability Projects, discussed *infra*, that involve transmission providers outside the NCTPC.~~

~~**7. TRANSMISSION COST ALLOCATION**~~

~~7.1 OATT Cost Allocation~~

~~With the exception of "Regional Reliability Projects" and "RETPs," nothing in this Attachment is intended to alter the cost allocation policies of the Tariff.~~

~~7.2 Regional Reliability Project Cost Allocation~~

~~7.2.1 An "avoided cost" cost allocation methodology will apply to reliability projects where there is a demonstration that a regional transmission solution and regional approach to cost allocation results in cost savings.~~

~~7.2.2 The NCTPC Planning Process results in a set of projects that satisfy the reliability criteria of the Transmission Providers who are parties to the Participation Agreement (i.e., Reliability Projects). Through this process, a project may be identified that meets a reliability need in a more cost-effective manner than if each Transmission Provider were only considering projects on its system to meet its reliability criteria. A Regional Reliability Project can be defined as any reliability project that requires an upgrade to a Transmission Provider's system that would not have otherwise been made based upon the reliability needs of the Transmission Provider. A Regional Reliability Project must have a cost of at least $1 million to be subject to the avoided-cost cost allocation methodology. The costs of a Regional Reliability Project with a cost of~~

~~less than $1 million would be borne by each Transmission Provider based on the costs incurred on its system.~~

~~7.2.3 Unless a Regional Reliability Project is determined by the NCTPC to be the most cost-effective solution to a reliability need, it will not be selected to be included in the Collaborative Transmission Plan. But, if a Regional Reliability Project is cost effective, it will have its costs allocated based on an avoided cost approach, whereby each Transmission Provider looks at the stand-alone approach to maintaining reliable service and shares the savings of not implementing the stand-alone approach on a pro-rata basis. The avoided cost approach formula can be expressed as follow:~~

~~(Transmission Provider~~$_x$~~'s Avoided Cost/Total Avoided Cost) * cost of Regional Reliability Project = Transmission Provider~~$_x$~~'s Cost Allocation~~

~~(Transmission Provider~~$_y$~~'s Avoided Cost/Total Avoided Cost) * cost of Regional Reliability Project = Transmission Provider~~$_y$~~'s Cost Allocation~~

~~These cost responsibility determinations will then be reflected in transmission rates. The avoided cost approach also will take into account in determining avoided costs, the acceleration or delay of Reliability Projects. Examples of the application of the avoided-cost approach may be found in *NCTPC Transmission Cost Allocation*.~~

~~7.2.4 If a Regional Reliability Project that is suitable for this alternate cost allocation approach involves a Transmission System(s) outside the NCTPC, the costs should be fairly allocated among the affected Transmission Providers based on good-faith negotiation among the parties involved using the "avoided cost" approach outlined above as a starting point in the negotiations. The resulting transmission costs and the associated revenue requirements of each Transmission Provider will be recovered through their respective existing rate structures at the time.~~

~~7.3 RETP Cost Allocation~~

~~7.3.1 The costs of upgrades or facilities that result from RETPs are allocated on a "requestor pays" basis.~~

~~7.3.2 Transmission customer(s) that are subscribing to the RETP would provide the up-front funding of any transmission construction that was required to ensure that the path was available for the relevant time period. These "requestor(s)" would be the transmission customers that were awarded the MW as a result of the successful subscription during the Open Season process. On the Duke and/or Progress systems, the transmission customer would receive a levelized repayment of this initial funding amount from~~

~~Duke and/or Progress in the form of monthly transmission credits over a maximum 20-year period. The Transmission Providers will be permitted to work with the transmission customers to provide shorter or different crediting. As credits are paid, Duke and Progress would have the opportunity to include the costs of upgrades that were needed for the RETP in transmission rates, similar to the Generator Interconnection pricing/rate approach.~~

~~7.3.3 As part of the RETP process, a network customer may ensure that power can be delivered from an interface on an RETP to network load. Such network transmission service would not be subject to the requestor pays approach. This transmission cost allocation would be in accordance with OATT provisions for network service.~~

~~7.3.4 No compensation is provided to the "requestors" of the RETPs for any "head-room" that would be created on the Transmission Systems. The total project cost for the transmission expansion required due to an RETP will be adjusted to provide compensation for the positive transmission impacts that the RETP would provide, given the existing Collaborative Transmission Plan.~~

~~7.3.5 This RETP concept and cost allocation methodology applies to the NCTPC footprint, which consists of the Duke and Progress Control Areas. Pursuant to Order No. 890, other regions will adopt cost methodologies that apply to the costs of facilities located in their region.~~

~~7.4 SIRPP Cost Allocation~~

~~The cost allocation for Inter-Regional Economic Upgrade projects described in Appendix 1 will be determined in accordance with the cost allocation principles adopted by each Regional Planning Process in which each portion of the construction of such upgrades (in whole or in part) would occur. Thus, for the portion of an Inter-Regional Economic Upgrade project that is located in the NCTPC footprint, the cost allocation principles set forth in this Tariff and Section 7 would apply.~~

12. ~~8.~~ COST ALLOCATION FOR PLANNING COSTS

12.1 ~~8.1~~ NCTPC-Related Planning Costs

12.1.1 ~~8.1.1~~ Each NCTPC Participant bears its own expenses.

12.1.2 ~~8.1.2~~ TAG participants bear their own expenses.

12.1.3 ~~8.1.3~~ The costs of the NCTPC base reliability studies are born by Duke and Progress.

12.1.4 ~~8.1.4~~ Costs associated with incremental reliability studies, the ITP's costs, and the costs of the ~~ETAP~~Economic Project Study Process are all allocated to NCTPC Participants in the manner set forth in the *Participation Agreement*.

12.1.5 ~~8.1.5~~ Pursuant to Section 4, costs associated with economic studies that are outside the scope of the ~~ETAP~~Economic Project Study Process, will be borne by the study requestor.

12.1.6 ~~8.1.6~~ NCTPC Participants may challenge the correctness of NCTPC cost allocations.

12.1.7 ~~8.1.7~~ For the Transmission Providers, transmission planning costs are a routine cost-of-service item that would be reflected in both wholesale and retail transmission rates. There is no plan to allocate planning costs to customers, other than as described above, or as contemplated by this Tariff when a customer makes a specific request that must be studied.

12.2 ~~8.2~~ Non-NCTPC-Related Planning Costs

Each Transmission Provider will bear its own costs of planning-related activities that are not occurring through the rubric of the NCTPC Planning Process, which costs may be recovered in rates, pursuant to the then-applicable ratemaking policies.

13. ~~9.~~ CONFIDENTIALITY

13.1 ~~9.1~~ The Transmission Providers will take appropriate steps to protect CEII information, which is one form of Confidential Information.

13.2 ~~9.2~~ Identification of Confidential Information

The confidentiality of information is determined in the first instance by a NCTPC Participant, Developer, or TAG participant providing the information. Examples of Confidential Information, other than CEII, include commercially sensitive information and customer-related information that is proprietary to a particular wholesale or retail customer. The NCTPC Participant, Developer, or TAG participant providing Confidential Information acknowledges that such Confidential Information may be released to the representatives of TAG participants that have abided by the procedures in Section ~~9.4.3.~~13.4.3. If the information is Confidential Information only because it is CEII, the NCTPC Participant, Developer, or TAG participant should indicate that such information may be released to TAG participants eligible to receive CEII.

13.3 ~~9.3~~ Availability of Confidential Information

13.3.1 ~~9.3.1~~ The NCTPC Participants will mask all Confidential Information in documents that are released to the public.

13.3.2 ~~9.3.2~~ Confidential Information will be made available, to the extent not prohibited by law or government policy, to the NCTPC Participants, as limited by the *Participation Agreement*. Each NCTPC Participant is restricted from sharing or giving access to Confidential Information with any employee, representative, and/or organization directly involved in the sale and/or resale of electricity in the wholesale electricity such that they do not receive preferential treatment or a competitive advantage.

13.3.3 ~~9.3.3~~ TAG participants may be provided Confidential Information, in accordance with Section ~~9.4.3/9.4.4.~~13.4.3 or 13.4.4. In cases where the information is Confidential Information only because it is CEII, the TAG participants may be provided such information in accordance with Section ~~9.4.4.~~13.4.4.

13.4 ~~9.4~~ Obtaining Confidential Information

13.4.1 ~~9.4.1~~ The ITP is tasked with ensuring that no marketing/brokering organizations receive preferential treatment or achieve competitive advantage through the distribution of any transmission-related information in the TAG.

13.4.2 ~~9.4.2~~ The ITP ensures that the confidentiality of information principles reflected in Order ~~No~~Nos. 890 and 1000 as well as any Standards of Conduct or ~~Code of Conduct~~FERC affiliate rules requirements are being adhered to within the TAG process, to the extent applicable and/or necessary.

13.4.3 ~~9.4.3~~ If a TAG participant seeks non-CEII Confidential Information, s/he must formally request the data from the ITP and demonstrate that s/he:

13.4.3.1 ~~9.4.3.1~~ Is a representative of a TAG Sector Entity that has signed the SERC Confidentiality Agreement or is an Individual that has signed the SERC Confidentiality Agreement~~.~~; or

13.4.3.2 ~~9.4.3.2~~ Is listed on Attachment A to a TAG Sector Entity's TAG Confidentiality Agreement as a representative of a TAG Sector Entity or is an Individual that has signed the TAG Confidentiality Agreement.

13.4.4 ~~9.4.4~~ If a TAG participant seeks CEII, s/he must formally request the data from the ITP and demonstrate that s/he:

13.4.4.1 ~~9.4.4.1~~ Is a representative of a TAG Sector Entity that has signed the SERC Confidentiality Agreement or is an Individual that has signed the SERC Confidentiality Agreement~~.~~; or

13.4.4.2 ~~9.4.4.2~~ Is listed on Attachment A of a TAG Sector Entity's TAG Confidentiality Agreement as a representative of a TAG Sector Entity or is an Individual that has signed the TAG Confidentiality Agreement.

13.4.5 ~~9.4.5~~ The NCTPC ITP will process the above requests, approve/deny the request, and if approved, provide the data to a TAG participant.

14. ~~10.~~ INTER-REGIONAL COORDINATION

The NCTPC will coordinate with other transmission systems primarily through ~~Duke and Progress~~the Transmission Providers participating in SERC (as Transmission Planners), other inter-regional study groups, and bilateral agreements between ~~Duke and/or Progress~~the Transmission Providers and transmission systems to which they are interconnected.

14.1 ~~10.1~~ Coordination Activities Within SERC

~~Duke and Progress~~The Transmission Providers are members of the SERC Reliability Corporation (SERC) and coordinate with other SERC members registered as Transmission Planners. SERC is the entity responsible for promoting and improving the reliability, adequacy, and critical infrastructure of the bulk power supply systems in the area served by its member systems. SERC membership is open to any entity that is a user, owner, or operator of the Bulk-Power System and is subject to the jurisdiction of FERC for the purpose of complying with Reliability Standards. SERC membership is comprised of investor-owned, municipal, cooperative, state and federal systems, RTOs/ISOs, merchant electricity generators, and power marketers. SERC has in place various committees and subcommittees that perform the identified SERC functions, including the promotion of the reliability and adequacy of the bulk power system as related to the planning and engineering of the electric systems. The SERC committees are identified on SERC's website. The particular activities that are coordinated among the Transmission Planners include the creation of a SERC-wide model and the preparation of a simultaneous feasibility assessment, which are discussed in further detail below.

14.1.1 ~~10.1.1~~ Regional Reliability Planning by Transmission Planners Located in SERC: A Transmission Planner's 10-year transmission expansion plan is the basis for models used for its own regional reliability planning process, such as the NCTPC, as well as serving as a

Transmission Planner's input into the development of the SERC-wide model.

Substantive transmission planning occurs as Transmission Planners develop regional reliability transmission expansions plans through their regional planning process, such as the NCTPC. In this regard, the reliability plan for each region is generally developed by determining the required 10-year transmission expansion plan to satisfy load, resources, and transmission service commitments throughout the 10-year reliability planning horizon. The development of each regional reliability plan is facilitated through the creation of transmission models (base cases) that incorporate the current 10-year transmission expansion plan, load projections, resource assumptions (generation, demand response, and imports), and transmission service commitments within the region. The transmission models also incorporate external regional models (at a minimum the current SERC models) that are developed using similar assumptions.

The transmission models created for use in developing the regional reliability 10-year transmission expansion plan are analyzed to determine if any planning criteria concerns are projected. In the event one or more planning criteria concerns are identified at the regional level, the relevant Transmission Planners will develop solutions for these projected limitations in accordance with the regional process to which they belong. As a part of this study process, the Transmission Planners, in accordance with the regional process to which they belong, will reexamine the current regional reliability 10-year transmission expansion plan (determined through the previous year's regional reliability planning process) to determine if the current plan can be optimized based on the updated assumptions and any new planning criteria concerns identified in the analysis. The optimization process may include the deletion and/or modification of any of the existing reliability transmission enhancements identified in the previous year's reliability planning process.

14.1.2 ~~10.1.2~~ Coordination by Transmission Planners with Affected Regions: Once a planning criteria concern is identified and the optimization process identifies the potential solution (at the regional level), the Transmission Planner(s), here ~~Duke and Progress~~the Transmission Provider, determine if any transmission system in another region is potentially impacted by the projected solution. Potentially impacted regions are then contacted to determine if there is a need for an inter-regional *ad hoc* coordinated study. In the event one or more neighboring regions agrees that they would be impacted by the projected limitation or identifies the potential for a superior inter-regional reliability solution, based on transmission enhancements in their current regional reliability plan, an inter-regional *ad hoc* coordinated study is initiated. In the event that no inter-regional impacts are identified, or if once contacted the potentially impacted regions(s) determine that they will not actually be impacted, the initiating Transmission Planner will move forward to conduct a reliability study to determine the solution for the projected planning criteria concern. In either case, once the study has been completed, the identified reliability transmission enhancements will then be incorporated into the region's(s') 10-year transmission expansion plan as a reliability project.

14.1.3 ~~10.1.3~~ SERC-Wide Reliability Assessment by Transmission Planners: After the transmission models are developed through the regional planning processes, the Transmission Planners within SERC create a SERC-wide transmission model and conduct a long-term reliability assessment. The intent of the SERC-wide reliability assessment is to determine if the different regional reliability transmission expansion plans are simultaneously feasible and to otherwise ensure that these regional processes are using consistent models and data. Additionally, the reliability assessment measures and reports the transfer capabilities between regions within SERC. The SERC-wide assessment serves as a valuable tool for each of the regions to reassess the need for additional inter-regional reliability joint studies.

14.1.4 ~~10.1.4~~ Other Coordination Activities Within SERC

14.1.4.1 ~~10.1.4.1~~ Transmission Model Development: SERC transmission models are developed by the Transmission Planners in SERC through an annual model development process. Each Transmission Planner in SERC, incorporating input from their regional planning process, develops and submits their 10-year transmission models to a model development databank. The databank then joins the models to create SERC-wide models for use in reliability assessment. Additionally, the SERC-wide models are then used in each regional planning process as an update (if needed) to the current transmission models and as a foundation (along with the MMWG models) for the development of next year's transmission models.

14.1.4.2 ~~10.1.4.2~~ Additional Inter-Regional Reliability Joint Studies: As mentioned above, the SERC-wide reliability assessment serves as a valuable tool for the Transmission Planners, in accordance with their regional planning process, to reassess the need for additional inter-regional reliability joint studies. If the SERC-wide reliability model projects additional planning criteria concerns that were not identified in the regional reliability studies, then the impacted Transmission Planners may initiate one or more *ad hoc* inter-regional coordinated study(ies) (in accordance with existing Reliability Coordination Agreements) to better identify the planning criteria concerns and determine the optimal inter-regional reliability transmission enhancements to resolve the limitations. Once the study(ies) is completed, required reliability transmission enhancements will be incorporated into the region's 10-year expansion plan as a reliability project. Accordingly, planning criteria concerns identified at the SERC-wide level are "pushed down" to the regional level for detailed resolution.

14.1.5 ~~10.1.5~~ Stakeholder Participation in Planning and Coordination Activities:

Since the bulk of the reliability transmission planning occurs at the regional level as a "bottom up" process in the development of the various regions' 10-year transmission expansion plans, stakeholders in the NCTPC footprint may provide input into the coordination activities by participating in the NCTPC process and any other regional planning processes that they choose to participate in. Specifically, the 10-year transmission expansion plan developed in the NCTPC process described in this Attachment is the basis for ~~Duke's and Progress~~the Transmission Providers' input into the SERC model development. As discussed in Sections 4 and 5, the TAG participants are provided a number of opportunities to review and comment on and allowed to propose alternatives concerning the development of this transmission expansion plan. The results of inter-regional coordination activities will be shared and discussed with TAG participants. If the results of coordination activities are to be shared at a TAG participant meeting, the meeting notice will indicate that such results will be shared and discussed and will either provide the results or indicate how the results can be obtained if the results include Confidential Information.

14.2 ~~10.2~~ ERAG & SERC-RFC East Coordination Activities

14.2.1 ~~10.2.1~~ SERC is a Member of the Eastern Interconnection Reliability Assessment Group (ERAG) along with the Florida Reliability Coordinating Council, Inc., the Midwest Reliability Organization, the Northeast Power Coordinating Council, Inc., ReliabilityFirst Corporation, and the Southwest Power Pool. ERAG augments the reliability of the bulk-power system through periodic reviews of generation and transmission expansion programs and forecasted system conditions within the regions served by ERAG members.

14.2.2 ~~10.2.2~~ The Eastern Interconnection Reliability Assessment Group (ERAG) Multi-Regional Modeling Working Group (MMWG) administers the development of a library of power-flow base case models for the benefit of members.

14.2.3 ~~10.2.3~~ The SERC-RFC East study group was established in 2006 and is a sub-group within the ERAG structure. Through the SERC-RFC East study group, coordination of plans, data and assumptions is achieved between Tennessee Valley Authority, VACAR, and the transmission systems of the eastern portion of PJM.

14.3 ~~10.3~~ VACAR Coordination Activities

14.3.1 ~~10.3.1~~ The Transmission Providers ~~both~~ participate with Fayetteville~~, NCEMC, North Carolina Municipal Power Agency #1, North Carolina Eastern Municipal Power Agency~~, South Carolina Electric & Gas Company, South Carolina Public Service Authority, ~~Southeastern Power Administration,~~and Dominion Virginia Power~~, and Alcoa Power Generating, Inc.~~ in the VACAR Planning Task Force.

14.3.2 ~~10.3.2~~ A VACAR contract agreement provides for coordination between the various entities within the VACAR region.

14.3.3 ~~10.3.3~~ ~~Duke and Progress~~The Transmission Providers will engage in studies of the bulk power supply system. VACAR typically analyzes the performance of their proposed future transmission systems based on five- or ten-year projections. VACAR studies are similar to those conducted for SERC, but are focused on the VACAR region, although VACAR coordinates with Southern and TVA under existing agreements.

14.4 ~~10.4~~ Bilateral Coordination Activities

Through bilateral interconnection agreements or joint operating agreements with the interconnected transmission systems of American Electric Power, TVA, Southern Companies, PJM, Dominion, SCE&G, and Santee Cooper, ~~and Yadkin, Duke and Progress~~the Transmission Providers perform coordinated studies on an as-needed basis.

14.5 ~~10.5~~ Southeast Inter-Regional Participation Process Activities

Duke and Progress have joined with a group of southeast utilities to develop the Southeast Inter-Regional Participation Process. This process provides valid stakeholders the ability to request economic studies that would be evaluated on an inter-regional basis. The framework for this process is provided in a document entitled "Southeast Inter-Regional Participation Process" which is attached as Appendix 1. The purpose of the Southeast Inter-Regional Participation Process is to facilitate the development of inter-regional economic planning studies.

14.5.1 ~~10.5.1~~ Stakeholder Participation Through the SIRPP: As shown on the Southeast Inter-Regional Participation Process Diagram contained in Appendix 1, the particular activity that the SIRPP sponsors coordinate is the preparation of the inter-regional Economic Planning Studies addressed in Appendix 1. In addition, the SIRPP sponsors will review with stakeholders the data, assumptions, and assessment that are then being conducted on a SERC-wide basis at the following SIRPP meetings: the 1st Inter-Regional Stakeholder Meeting; the 2nd Inter-Regional Stakeholder Meeting; and the 3rd Inter-Regional Stakeholder Meeting.

~~10.6 Timelines and Milestones~~

~~The general timelines and milestones for the performance of both the reliability planning and coordination activities are provided in Appendix 2.~~

15. ~~11.~~ INTEGRATED RESOURCE PLANNING

In addition to the NCTPC Process, the Transmission Providers must abide by state laws regarding Integrated Resource Planning (IRP). The information provided below is intended to assist persons who may want to participate in state IRP and siting proceedings.

15.1 ~~11.1~~ North Carolina

The NCUC analyzes the probable growth in the use of electricity and the long-range need for future generating capacity in North Carolina. Duke and Progress annually furnish the NCUC a report of their respective resource plans, which contain a 15-year forecast of loads and generating capacity. The report describes all generating facilities and known transmission facilities with operating voltage of 161 kV or more which, in the judgment of the utility, will be required to supply system demands during the 15-year forecast period. Such filings must include a section containing a comprehensive analysis of their Demand-Side Management (DSM) plans and activities.

15.2 ~~11.2~~ South Carolina

Section 58-37-40 of the South Carolina Code of Laws requires that all electrical utilities prepare integrated resource plans and submit them to the State Energy Office. The plans must be submitted every three years and must be updated on an annual basis. For electrical utilities subject to the jurisdiction of the SC PSC, submission of the IRP plans required by the SC PSC (which similarly are submitted triennially and updated at least annually) constitutes compliance with the state law. The SC PSC requires that the plans submitted cover 15 years and evaluate the cost effectiveness of supply-side and demand-side options in an economic and reliable manner that considers relevant costs and benefits.

16. ~~12.~~ SUB-LOCAL PLANNING

The Transmission Providers coordinate with their network and native load customers to ensure adequate and reliable electric service to all points of delivery within their control areas. The focus of the NCTPC is planning higher-voltage facilities and transfers of bulk power and thus "sub-local planning" focuses on lower-voltage facilities and the delivery of energy to customer locations. Customer meetings may be held, when necessary, to discuss the respective plans of the customer and the provider and how such plans impact local areas. Any sub-local area plans developed by a Transmission Provider are rolled into the power system models of the ~~transmission providers~~Transmission Providers and these models subsequently roll up to the NCTPC transmission models. The same data and assumptions would be used in sub-local planning as are used in the NCTPC Process.

Appendix 1
Southeast Inter-Regional Participation Process

Introduction:

In an effort to more fully address the regional participation principle outlined in the Order 890 Attachment K Tariff requirements and the related guidance contained in the FERC Transmission Planning Process Staff White Paper (dated August 2, 2007), this Southeast Inter-Regional Participation Process expands upon the existing processes for regional planning in the Southeast. This document outlines an inter-regional process among various Southeastern interconnected transmission owners. The inter-regional process described herein is incorporated into each Participating Transmission Owner's[1] planning process and OATT Attachment K (for those transmission owners that have a regulatory requirement to file an Attachment K).

Purpose:

This inter-regional process complements the regional planning processes developed by the Participating Transmission Owners in the Southeast. For the purpose of this document, the term "Southeast Inter-Regional Participation Process" ("SIRPP") is defined as a new process to more fully address the regional participation principle of Order 890 for multiple transmission systems in the Southeast. The term "Regional Planning Processes" refers to the regional transmission planning processes a Transmission Owner has established within its particular region for Attachment K purposes. Importantly, the Economic Planning Studies discussed herein are hypothetical studies that do not affect the transmission queue for purposes of System Impact Studies, Facilities Studies, or interconnection studies performed under other portions of the OATT.

Current Inter-Regional Planning Process:

Each Southeastern transmission owner currently develops a transmission plan to account for service to its native load and other firm transmission service commitments on its transmission system. This plan development is the responsibility of each transmission planner individually and does not directly involve the Regional Reliability Organization (e.g., SERC). Once developed, the Participating Transmission Owners collectively conduct inter-regional reliability transmission assessments, which include the sharing of the individual transmission system plans, providing information on the assumptions and data inputs used in the development of those plans and assessing whether the plans are simultaneously feasible.

Participating Transmission Owners:

Due to the additional regional planning coordination principles that have been announced in Order 890 and the associated Transmission Planning White Paper, several transmission owners have agreed to provide additional transmission planning coordination, as further described in this document. The "Participating Transmission Owners" are listed on the SIRPP website (http://www.southeastirpp.com).

Southeast Inter-Regional Participation Process:

[1] The sponsors of the Southeast Inter-Regional Participation Process are referred to as transmission owners, rather than ~~transmission providers~~Transmission Providers, because not all of the sponsors are "Transmission Providers" for purposes of the *pro forma* OATT.

The Southeast Inter-Regional Participation Process is outlined in the attached diagram. As shown in that diagram, this process will provide a means for conducting stakeholder requested Economic Planning Studies across multiple interconnected systems. In addition, this process will build on the current inter-regional, reliability planning processes required by existing multi-party reliability agreements to allow for additional participation by stakeholders.

The established Regional Planning Processes outlined in the Participating Transmission Owners' Attachment Ks will be utilized for collecting data, coordinating planning assumptions, and addressing stakeholder requested Economic Planning Studies internal to their respective regions. The data and assumptions developed at the regional level will then be consolidated and used in the development of models for use in the Inter-Regional Participation Process. This will ensure consistency in the planning data and assumptions used in local, regional, and inter-regional planning processes.

These established Attachment K processes may also serve as a mechanism to collect requests for inter-regional Economic Planning Studies by a participant's stakeholders group. The Economic Planning Studies requested through each participant's Attachment K process that involve impacts on multiple systems between Regional Planning Processes will be consolidated and evaluated as part of the Southeast Inter-Regional Participation Process. Stakeholders will also be provided the opportunity to submit their requests for inter-regional Economic Planning Studies directly to the Inter-Regional process.

The Participating Transmission Owners recognize the importance of coordination with neighboring (external) planning processes. Therefore, seams coordination will take place at the regional level where external regional planning processes adjoin the Southeast Inter-Regional Participation Process (e.g. Southeastern Regional Planning Process coordinating with FRCC Regional Planning Process, Entergy coordinating with SPP, TVA coordinating with MISO and PJM, and the North Carolina Transmission Planning Collaborative coordinating with PJM). External coordination is intended to include planning assumptions from neighboring processes and the coordination of transmission enhancements and stakeholder requested Economic Planning Studies to support the development of simultaneously feasible transmission plans both internal and external to the Southeast Inter-Regional Participation Process.

With regard to the development of the stakeholder requested inter-regional Economic Planning Studies, the Participating Transmission Owners will each provide staff (transmission planners) to serve on the study coordination team. The study coordination team will lead the development of study assumptions (and coordinate with stakeholders, as discussed further below), perform model development, and perform any other coordination efforts with stakeholders and impacted external planning processes. During the study process, the study coordination team will also be responsible for performing analysis, developing solution options, evaluating stakeholder suggested solution options, and developing a report(s) once the study(ies) is completed. Once the study(ies) is completed, the study coordination team will distribute the report(s) to all Participating Transmission Owners and the stakeholders.

With regard to coordinating with stakeholders in the development of the inter-regional Economic Planning Study(ies), in each cycle of the Southeast Inter-Regional Participation Process, the Participating Transmission Owners will conduct three inter-regional stakeholder meetings. The information to be discussed at such meetings will be made available in final draft form for stakeholder review prior to any such meeting by posting on the SIRPP website and/or e-mails to SIRPP Stakeholder Group ("SIRPPSG") members. The Participating Transmission

Owners will use reasonable efforts to make such information available at least 10 calendar days prior to the particular meeting. The Participating Transmission Owners will conduct the "1st Inter-Regional Stakeholder Meeting", as shown in the attached diagram. At this meeting, a review of all of the Economic Planning Study(ies) submitted through the participants' Regional Planning Processes or directly to the Inter-Regional process, along with any additional Economic Planning Study requests that are submitted at this 1st meeting, will be conducted. During this meeting, the stakeholders will select up to five studies that will be evaluated within the planning cycle. The study coordination team will coordinate with the stakeholders regarding the study assumptions underlying the identified stakeholder requested inter-regional Economic Planning Study(ies). Through this process, stakeholders will be provided an opportunity to comment and provide input regarding those assumptions. Following that meeting, and once the study coordination team has an opportunity to perform its initial analyses of the inter-regional Economic Planning Study(ies), the Participating Transmission Owners will then conduct the "2nd Inter-Regional Stakeholder Meeting." At this meeting, the study coordination team will review the results of such initial analysis, and stakeholders will be provided an opportunity to comment and provide input regarding that initial analysis. The study coordination team will then finalize its analysis of the inter-regional study(ies) and draft the Economic Planning Study(ies) report(s), which will be presented to the stakeholders at the "3rd Inter-Regional Stakeholder Meeting." Stakeholders will be provided an opportunity to comment and provide input regarding the draft report(s). Subsequent to that meeting, the study coordination team will then finalize the report(s), which will be issued to the Participating Transmission Owners and stakeholders.

In addition to performing inter-regional Economic Planning Studies, the Southeast Inter-Regional Participation Process will also provide a means for the Participating Transmission Owners to review, at the Southeast Inter-Regional Participation Process stakeholder meetings, the regional data, assumptions, and assessments that are then being performed on an inter-regional basis.

Southeast Inter-Regional Participation Process Cycle:

The Southeast Inter-Regional Participation Process will be performed annually. Due to the expected scope of the requested studies and size of the geographical region encompassed, the Participating Transmission Owners will perform up to five (5) inter-regional Economic Planning Studies annually, which could encompass both Step 1 and Step 2 evaluations. A Step 1 evaluation will consist of a high level screen of the requested transfer and will be performed during a single year's planning cycle. The high level screen will identify transfer constraints and likely transmission enhancements to resolve the identified constraints. The Participating Transmission Owners will also provide approximate costs and timelines associated with the identified transmission enhancements to facilitate the stakeholders' determination of whether they have sufficient interest to pursue a Step 2 evaluation. Once a Step 1 evaluation has been completed for a particular transfer, the stakeholders have the option to request a Step 2 evaluation for that transfer to be performed during the subsequent year's Inter-Regional Participation Process Cycle. If the stakeholders opt to not pursue Step 2 evaluation for the requested transfer during the subsequent year's Inter-Regional Participation Process Cycle, an Economic Planning Study of that request may be re-evaluated in the future by being submitted for a new Step 1 evaluation. In the event that the stakeholders request a Step 2 evaluation, the Participating Transmission Owners will then perform additional analysis, which may include additional coordination with external processes. The Participating Transmission Owners will then develop detailed cost estimates and timelines associated with the final transmission enhancements. The Step 2 evaluation will ensure that sufficient coordination can occur with stakeholders and among the impacted Participating Transmission Owners. In addition, the Step 2 evaluation will provide sufficient time to ensure that the inter-regional study results are meaningful and meet the needs of the stakeholders.

It is important to note that the Participating Transmission Owners expect that a Step 2 evaluation will be completed prior to interested parties requesting to sponsor transmission enhancements identified in an Economic Planning Study. However, the Participating Transmission Owners will work with stakeholders if a situation develops where interested parties attempt to sponsor projects identified in a Step 1 evaluation and there is a compelling reason (e.g., where time is of the essence).

Inter-Regional Cost Allocation:

The cost allocation for Inter-Regional Economic Upgrade projects will be determined in accordance with the cost allocation principle adopted by each Participating Transmission Owner's Regional Planning Process in which each portion of the construction of such upgrades would occur. The cost allocation principle for each SIRPP Regional Planning Process is posted on the SIRPP website. Typically, since Inter-Regional Economic Upgrade projects will likely consist of improvements that will be physically located in the footprints of multiple Regional Planning Processes, this approach means the cost allocation for each part of the Inter-Regional Economic Upgrade project or each project within a set of projects will be governed by the cost allocation principle adopted by the Regional Planning Process in which that part of the project or set is physically located. For example, should an Inter-Regional Economic Upgrade project consist of a single, 100 mile 500 kV transmission line, with 30 miles physically located in Regional Planning Process "A" and the remaining 70 miles located in Regional Planning Process "B," then the cost allocation for the 30 miles of 500 kV transmission line located in Regional Planning Process "A" would be governed by that Regional Planning Process' cost allocation principle, and the cost allocation for the other 70 miles of 500 kV transmission line would be governed by the cost allocation principle of Regional Planning Process "B." Should an Inter-Regional Economic Upgrade project be physically located entirely within one Regional Transmission Planning process, the costs of the project would be governed by that region's cost allocation principle.

Inter-Regional Coordination of Economic Transmission Project Development:

Once an Economic Planning Study report has been finalized, multiple stakeholders may be interested in jointly participating in the project development. An Inter-Regional process addressing each such economic upgrade request will be developed that will formalize the process of determining if there is sufficient stakeholder interest to pursue economic project development and the coordination that will be required of the impacted Transmission Owners to support this process. The Participating Transmission Owners and the stakeholders will support this process development activity beginning in 2008.

Stakeholder Participation in the Southeast Inter-Regional Participation Process:

Purpose

The purpose of the Southeast SIRPPSG is to provide a structure to facilitate the stakeholders' participation in the Southeast Inter-Regional Participation Process. Importantly, the SIRPPSG shall have the flexibility to change the "Meeting Procedures" section discussed below but cannot change the Purpose, Responsibilities, Membership, or Data and Information Release Protocol sections absent an appropriate filing with (and order by) FERC to amend the OATT.

Responsibilities
In general, the SIRPPSG is responsible for working with the Participating Transmission Owners on Inter-Regional Economic Planning Study requests so as to facilitate the development of such studies that meet the goals of the stakeholders. The specific responsibilities of this group include:

1. Adherence to the intent of the FERC Standards of Conduct requirements in all discussions.
2. Develop the SIRPPSG annual work plan and activity schedule.
3. Propose and select the Economic Planning Study(ies) to be evaluated (five annually).
    a. Step 1 evaluations
    b. Step 2 evaluations
4. The SIRPPSG should consider clustering similar Economic Planning Study requests. In this regard, if two or more of the Economic Planning Study requests are similar in nature and the Participating Transmission Owners conclude that clustering of such requests and studies is appropriate, the Participating Transmission Owners may, following communications with the SIRPPSG, cluster those studies for purposes of the transmission evaluation.
5. Provide timely input on the annual Economic Planning Study(ies) scope elements, including the following:
    a. Study Assumptions, Criteria and Methodology
    b. Case Development and Technical Analysis
    c. Problem Identification, Assessment and Development of Solutions (including proposing alternative solutions for evaluation)
    d. Comparison and Selection of the Preferred Solution Options
    e. Economic Planning Study Results Report.
6. Providing advice and recommendations to the Participating Transmission Owners on the Southeast Inter-Regional Participation Process.

Membership

The SIRPPSG membership is open to any interested party.

Meeting Procedures
The SIRPPSG may change the Meeting Procedures criteria provided below pursuant to the voting structure in place for the SIRPPSG at that time. The currently effective Meeting Procedures for the SIRPPSG shall be provided to the Participating Transmission Owners to be posted on the SIRPP website and shall become effective once posted on that website (http://www.southeastirpp.com), which postings shall be made within a reasonable amount of time upon receipt by the Transmission Owners. Accordingly, the following provisions contained under this Meeting Procedures heading provide a starting-point structure for the SIRPPSG, which the SIRPPSG shall be allowed to change.

Meeting Chair
A stakeholder-elected member of the SIRPPSG will chair the SIRPPSG meetings and serve as a facilitator for the group by working to bring consensus within the group. In addition, the duties of the SIRPPSG chair will include:

1. Developing mechanisms to solicit and obtain the input of all interested stakeholders related to inter-regional Economic Planning Studies.
2. Ensuring that SIRPPSG meeting notes are taken and meeting highlights are posted on the SIRPP website (http://www.southeastirpp.com) for the information of the participants after all SIRPPSG meetings.

Meetings
Meetings of the SIRPPSG shall be open to all SIRPPSG members interested in inter-regional Economic Planning Studies across the respective service territories of the Participating Transmission Owners. There are no restrictions on the number of people attending SIRPPSG meetings from any interested party.

Quorum
Since SIRPPSG membership is open to all interested parties, there are no quorum requirements for SIRPPSG meetings.

Voting
In attempting to resolve any issue, the goal is for the SIRPPSG to develop consensus solutions. However, in the event consensus cannot be reached, voting will be conducted with each SIRPPSG member's organization represented at the meeting (either physically present or participating via phone) receiving one vote. The SIRPPSG chair will provide notices to the SIRPPSG members in advance of the SIRPPSG meeting that specific votes will be taken during the SIRPPSG meeting. Only SIRPPSG members participating in the meeting will be allowed to participate in the voting (either physically present or participating via phone). No proxy votes will be allowed. During each SIRPP cycle, the SIRPPSG members will propose and select the inter-regional Economic Planning Studies that will be performed during that particular SIRPP cycle. The SIRPPSG will annually select up to five (5) inter-regional Economic Planning Studies, including both Step 1 evaluation(s) and any Step 2 evaluations, with any such Step 2 evaluations being performed for the previous ~~years~~year's Step 1 studies for the pertinent transfers. Each organization represented by their SIRPPSG members will be able to cast a single vote for up to five Economic Planning Studies that their organization would like to be studied within the SIRPP cycle. If needed, repeat voting will be conducted until there are clear selections for the five Economic Planning Studies to be conducted.

Meeting Protocol
In the absence of specific provisions in this document, the SIRPPSG shall conduct its meetings guided by the most recent edition of *Robert's Rules of Order, Newly Revised.*

Data and Information Release Protocol
SIRPPSG members can request data and information that would facilitate their ability to replicate the SIRPP inter-regional Economic Planning studies while ensuring that CEII and other confidential data is protected.

CEII Data and Information
SIRPPSG members may be certified to obtain CEII data used in the SIRPP by following the confidentiality procedures posted on the SIRPP website (e.g., making a formal request for CEII, authorizing background checks, executing the SIRPP CEII Confidentiality Agreement, etc.). The SIRPP Participating Transmission Owners reserve

the discretionary right to waive the certification process, in whole or in part, for anyone that the SIRPP Participating Transmission Owners deem appropriate to receive CEII. The SIRPP Participating Transmission Owners also reserve the discretionary right to reject a request for CEII; upon such rejection, the requestor may pursue the SIRPP dispute resolution procedures set forth below.

Non-CEII Confidential Information

The Participating Transmission Owners will make reasonable efforts to preserve the confidentiality of information that is confidential but not CEII in accordance with the provisions of the Tariff and the requirements of (and/or agreements with), NERC and/or SERC as well as agreements with the other Participating Transmission Owners and any other contractual or legal confidentiality requirements.

Without limiting the applicability of the foregoing, to the extent confidential non-CEII information is provided in the transmission planning process and is needed to participate in the transmission planning process and/or to replicate transmission planning studies, it will be made available to those SIRPPSG members who have executed the SIRPP Non-CEII Confidentiality Agreement, which is posted on the SIRPP website. Importantly, if information should prove to contain both confidential and non-CEII information and CEII, then the requirements of both this section and the previous section would apply.

Dispute Resolution

Any procedural or substantive dispute between a stakeholder and a Participating Transmission Owner that arises from the SIRPP will be addressed by the Participating Transmission Owner's dispute resolution procedures in its respective Regional Planning Process. In addition, should the dispute only be between stakeholders with no Participating Transmission Owner involved (other than its ownership and/or control of the underlying facilities), the stakeholders will be encouraged to utilize the Commission's alternative means of dispute resolution.

Should dispute resolution proceedings be commenced in multiple Regional Planning Processes involving a single dispute among multiple Participating Transmission Owners, the affected Participating Transmission Owners, in consultation with the affected stakeholders, agree to use reasonable efforts to consolidate the resolution of the dispute such that it will be resolved by the dispute resolution procedures of a single Regional Planning Process in a single proceeding. If such a consensus is reached, the Participating Transmission Owners agree that the dispute will be addressed by the dispute resolution procedures of the selected Regional Transmission Planning Process.

Nothing herein shall restrict the rights of any party to file a Complaint with the Commission under relevant provisions of the Federal Power Act.

Southeast Inter-Regional Participation Process Diagram: