

UNITED STATES OF AMERICA

BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

Duke Energy Carolinas LLC and) **Docket No.ER13-83-000**
Carolina Power and Light Company)
)

REQUEST FOR CLARIFICATION

Pursuant to Rules 212 and 713 of the Commission’s Rules of Practice and Procedure,¹ LSP Transmission Holdings, LLC (“LSP Transmission”), an intervenor in the above-captioned docket, requests clarification of the Commission’s February 21, 2013 Order on Compliance Filing in Docket Nos. ER13-83-000² to confirm that through the February 21 Order, the Commission did not intend to change the definition of a “local” transmission upgrade under Order No. 1000.³ In the February 21 Order, the Commission determined that Duke Energy Carolinas LLC and Carolina Power & Light Company d/b/a Progress Energy Carolinas (collectively “Duke-Progress”), constitute a single “transmission provider” for purposes of Order No. 1000 and therefore cannot create a region without additional unaffiliated participants.⁴ LSP Transmission seeks clarification that the Commission’s determination that Duke-Progress constitutes a single transmission provider does not

¹ 18 CFR §§ 385.212 and 385.713 (2013).

² Order on Compliance Filings, *Duke Energy Carolinas LLC and Carolina Power and Light Co.*, 142 FERC ¶ 61,130 (2013) (“February 21 Order”).

³ *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, FERC Stats. & Regs. ¶ 31,323 (2011); *order on reh’g*, Order No. 1000-A, 139 FERC ¶ 61,132 (2012); *order on reh’g and clarification*, Order No. 1000-B, 141 FERC 61,044 (2012).

⁴ The Commission dismissed the participation of Alcoa Power Generating, Inc. because its “limited transmission facilities [] only serve its own hydroelectric plant.” Order at P 40.

mean that the entirety of the Duke-Progress combined footprint constitutes a local footprint for purposes of Order No. 1000. As Order No. 1000-A reiterated:

Order No. 1000 permits 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 for regional cost allocation.⁵

Although the Commission has determined that Duke-Progress constitutes a single transmission provider, as LSP Transmission's Protest noted, they continue to have distinct retail distribution service territories. Because there is no dispute that Duke and Progress maintain distinct retail distribution service territories, any project between the two entities would be "regional" for purposes of Order No. 1000.

LSP Transmission seeks clarification of the February 21 Order as it suggested that Duke-Progress may use the North Carolina Transmission Planning Collaborative for their "local transmission planning process."⁶ Specifically, the Commission stated "even though we find that Duke-Progress' participation in the NCTPC is not sufficient for Duke-Progress to comply with Order No. 1000's requirement that each public utility transmission provider participate in a regional transmission planning process, we are not concluding that the NCTPC is an unacceptable local transmission planning process."⁷ The Commission went on to state that "the North Carolina load-serving entities can still have the same role they have now under the NCTPC, even if the NCTPC would be considered part of the Duke-Progress local transmission planning process."⁸

⁵ Order No. 1000-A at P 379.

⁶ February 21 Order at P 39.

⁷ *Id.* at P 40.

⁸ *Id.*

LSP Transmission seeks clarification that the Commission did not intend the above statement to alter the definition of a “local” project established in Order No. 1000, as reiterated in Order No. 1000-A. While the February 21 Order did not prejudice use of the NCTPC as a local planning process, the Commission’s suggestion that two distinct retail distribution service providers can plan “local” projects in a joint manner with other unaffiliated load-serving entities has the potential to turn Order No. 1000 on its head. LSP Transmission asserts that it would be inappropriate for Duke and Progress to jointly plan transmission addressing the needs of unaffiliated load-serving entities and that any such joint planning should be done as part of the regional planning as any projects would be regional projects under Order No. 1000. “Local” planning should be reserved for projects that relate solely to an individual retail distribution service territory.

For the foregoing reasons, LSP Transmission requests that the Commission clarify the February 21 Order to make it clear that nothing in the February 21 Order was intended to suggest that a “local” project for purposes of North Carolina was any different than that reflected in Order Nos. 1000 and 1000-A.

Respectfully submitted,

By: _____ /s/

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Dated: March 15, 2013

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon each person listed on the official service lists maintained by the Secretary of the Commission in the above-captioned proceedings.

Dated at Washington, DC this 15th day of March, 2013.

By: _____/s/
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