

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

**Midwest Independent Transmission System ) Docket No. OA08-42-000  
Operator, Inc. and American Transmission  
Company LLC**

**NOTICE OF INTERVENTION AND COMMENTS OF  
THE MICHIGAN PUBLIC SERVICE COMMISSION**

Pursuant to Rule 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 C.F.R. § 385.214 (2007) the Michigan Public Service Commission (MPSC) hereby submits its notice of intervention and comments in the above-referenced proceeding. In support of its intervention, the MPSC states as follows.

**I. NOTICE OF INTERVENTION**

The MPSC is an agency of the State of Michigan, created by 1939 Pub. Acts 3, Mich. Comp. Laws Ann. § 460.1 *et seq.* As the Michigan regulatory agency having jurisdiction and authority to control and regulate rates, charges, and conditions of service for the retail sale of electricity in the State, the MPSC is a “state commission” as defined in 16 U.S.C. § 796(15) and 18 C.F.R. § 1.101(k) (2006). Accordingly, the MPSC hereby provides its notice of intervention pursuant to 18 C.F.R. § 385.214(a) (2) (2006).

Copies of all pleadings and correspondence in the proceeding should be addressed to:

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## II. BACKGROUND

By the instant filing, the Midwest Independent Transmission System Operator, Inc. (Midwest ISO) and the American Transmission Company LLC (ATC) are jointly submitting proposed revisions to the Midwest ISO Open Access Transmission and Energy Markets Tariff (Tariff or EMT) in compliance with the transmission planning principles promulgated in Order No. 890.<sup>1</sup> Specifically, ATC seeks to add new Attachment FF-ATCLLC to the Midwest ISO's Tariff to describe how ATC's individual transmission planning process complies with Order 890. ATC also intends to coordinate its process with the regional planning activities of the Midwest ISO as set forth in the Midwest ISO's proposed revisions to Attachment FF to the Midwest ISO's Tariff.

## III. COMMENTS

The proposed changes to Attachment FF-ATCLLC - if coordinated properly with the Midwest ISO's Attachment FF and in the spirit of Order 890 - provide a good framework for effective, coordinated transmission planning. In the MPSC's view, the Midwest ISO and ATCLLC are taking seriously their responsibilities to document and improve the transmission planning process in compliance with Order 890. As discussed below, the MPSC has several recommendations to clarify and improve the proposed planning process.

### A. **Separate Transmission Owner Processes for Order 890 Compliance Appear Workable But Attachment FF Warrants Clarification**

In Order 890, FERC determined that for an RTO's planning process to be open and transparent, transmission customers and stakeholders must be able to participate in each underlying transmission owner's planning process. Thus, individual transmission owners that

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<sup>1</sup> See *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, III FERC Stats. & Regs., Regs. Preambles ¶ 31,241 (2007)(Order No. 890); Order No. 890-A, 121 FERC ¶61,297 (2007).

perform transmission planning within the RTO must comply with the Order 890 planning principles.

Michigan will experience two Order 890 compliance models as proposed by the Midwest ISO and the transmission owners serving the state. In the instant filing, ATC, which provides transmission service to Michigan's Upper Peninsula, is proposing jointly with the Midwest ISO tariff provisions unique to ATC in compliance with Order 890. In contrast, in Docket No. OA08-53-000, *ITC Transmission* (ITC) and the Michigan Electric Transmission Company, LLC (METC), which provide transmission service to the majority of Michigan's Lower Peninsula, elected to fully integrate their local transmission planning process into the Midwest ISO's process to comply with the Order 890 planning principles. Thus, ITC and METC (along with the majority of Midwest ISO transmission owners) must comply with certain planning steps before submitting transmission projects or proposals to the Midwest ISO and must engage in a new stakeholder process through sub-regional planning meetings.

Attachment FF establishes the general framework and requirements for transmission owners that are integrating their local transmission planning into the Midwest ISO process as well as those transmission owners that have their own Commission-approved transmission planning process to comply with Order 890. Some provisions in Attachment FF apply only to transmission owners that are fully integrating their transmission planning process into the Midwest ISO process. For example, the provisions in Section I.B.1, which include details on the sub-regional planning process and review of transmission projects as part of the Midwest ISO Transmission Expansion Plan (MTEP), do not apply to transmission owners with their own Commission-approved transmission planning process.

The MPSC acknowledges and is not opposed to having separate and different transmission planning processes for transmission owners operating in Michigan. It is essential, however, that the different processes be clear and coordinated. As currently drafted, it is not clear in the Midwest ISO Attachment FF: 1) how proposed projects of transmission owners with their own Commission-approved planning process will have projects reviewed and approved by the Midwest ISO for inclusion in the MTEP; and 2) how transmission owners with their own Commission-approved planning process should coordinate with the sub-regional planning groups or meetings. Such sub-regional coordination should be conducted in a manner that recognizes regional needs and the impacts of local transmission plans on neighboring systems while avoiding unnecessary duplication of efforts (e.g., technical review and outreach activities). These issues could directly affect Michigan because ATC has elected to file its own Attachment FF-ATCLLC to comply with Order 890.

The MPSC recommends that the Commission direct the Midwest ISO and ATC to submit revised tariff sheets which specify (1) how individual Transmission Owner plans will be received and approved by the Midwest ISO; and (2), how individual Transmission Owners should coordinate their Commission-approved planning process with the Midwest ISO-wide planning process. These proposed clarifying changes specifically relate to Section I.B.2, Transmission Owners Filing Separate Attachment K, in the Midwest ISO's Attachment FF. This clarification is necessary to explain how the Midwest ISO's regional planning process under Attachment FF will be coordinated with the processes set forth in Attachment FF-ATCLLC.

#### IV. CONCLUSION

The MPSC hereby provides its notice of intervention in this proceeding and requests Commission consideration and adoption of the recommendations set forth herein.

Respectfully submitted,

**THE MICHIGAN PUBLIC SERVICE  
COMMISSION**

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Dated: January 7, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served, via electronic mail or first class mail, the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C. this 7<sup>th</sup> day of January, 2008.

/s/ M. Denyse Zosa

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