

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
OFFICE OF ELECTRIC RELIABILITY

North American Electric Reliability Corporation
Docket No. RR09-4-001

January 28, 2010

North American Electric Reliability Corporation
1120 G Street N.W., Suite 990
Washington, D.C. 20005-3801

Attention: Rebecca J. Michael, Assistant General Counsel

Reference: Compliance Filing to September 17, 2009 Commission Order

Dear Ms. Michael:

1. On December 1, 2009, the North American Electric Reliability Corporation (NERC) submitted a compliance filing in response to the Commission's September 17, 2009 Order providing further amendments to SPP Bylaws and an explanation of the amended voting procedure described in SPP's original petition.¹
2. In accordance with the Commission's September 17th directives, NERC and SPP have submitted a compliance filing which identifies the specific duties of the SPP Regional Entity General Manager and provides an explanation of the amended voting procedure in section 9.7.3(e) of the SPP Bylaws.² The compliance filing indicates that the Regional Entity General Manager will perform

¹*Order Accepting Proposed Amendments to the Bylaws of Southwest Power Pool, Inc. and Requiring Compliance Filing*, 128 FERC ¶ 61,244 (2009). The September 17, 2009 Order directs NERC and SPP to submit a compliance filing within 45 days, *i.e.*, by November 2, 2009. *Id.* at ordering paragraph (B). On September 29, 2009, NERC and SPP filed a request for extension of time to December 1, 2009, which the Commission granted by a "Notice of Extension of Time" issued on October 2, 2009.

² *Order Accepting Proposed Amendments to the Bylaws of Southwest Power Pool, Inc. and Requiring Compliance Filing*, 128 FERC ¶ 61,244 (2009).

various duties which include: (1) providing guidance and oversight of the execution of the performance of delegated statutory functions from the ERO, (2) developing and managing an appropriate organizations structure and staffing levels to accomplish the Regional Entity function, (3) developing a Regional Entity business plan and budget for Regional Entity Trustee, NERC and FERC approval, and (4) ensuring compliance with SPP's Bylaws and the Regional Entity Delegation Agreement, as well as other applicable federal, state, and local laws. The Compliance filing also includes clear examples of "negative voting" as applied to "one candidate" and to "multiple candidates" which are described in section 9.7.3(e).

3. Notice of this filing was issued on December 4, 2009, with comments, protests or motions to intervene due on or before December 22, 2009.
4. Notices of intervention and unopposed timely filed motions to intervene are granted pursuant to the operation of Rule 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214). Any opposed or untimely filed motions to intervene are governed by the provisions of Rule 214. No protests or adverse comments were filed.
5. NERC's uncontested filing is approved pursuant to the relevant authority delegated to the Director, Office of Electric Reliability, under 18 C.F.R. § 375.303.
6. This action shall not be construed as accepting any other contingency plan pursuant to 18 C.F.R. § 375.303(a)(1)(i) or any other data or report pursuant to C.F.R. § 375.303(b)(3)(iv). This action shall not be construed as approving any other application including Electric Reliability Organization or Regional Entity Rules or procedures pursuant to 18 C.F.R. § 375.303(a)(2)(i). Such acceptance or approval shall not be deemed as recognition of any claimed right or obligation associated therewith; and such acceptance or approval is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now or pending or hereafter instituted by or against NERC.
7. This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

Sincerely,

Joseph H. McClelland, Director
Office of Electric Reliability

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