

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ELECTRIC RELIABILITY

New Harquahala Generating
Company, LLC
Docket No. RC08-4-002

February 2, 2011

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

Attention: Rebecca Michael, Assistant General Counsel

Reference: Compliance Filing in Response to the Commission's April 23, 2009 Letter
Order

Dear Ms. Michael:

1. On May 16, 2008, the Commission issued an order finding that the North American Electric Reliability Corporation (NERC) properly registered New Harquahala Generating Company, LLC (Harquahala) as a transmission owner and transmission operator and directed NERC and Harquahala to negotiate the Reliability Standards and Requirements that will be applicable to Harquahala.¹ The Commission directed NERC to submit a compliance filing identifying the Reliability Standard Requirements that would apply to Harquahala.²

2. In a subsequent order on clarification, the Commission stated that it will review NERC's compliance filing identifying the applicable Requirements and any comments filed by Harquahala, based on the language of the Reliability Standards, the reliability risks posed by Harquahala's facilities and Harquahala's physical ability to comply with the Reliability Standards.³

¹ *New Harquahala Generating Company, LLC*, 123 FERC ¶ 61,173 (2008) (May 16 Order), *order on clarification*, 123 FERC ¶ 61,311 (2008) (Clarification Order).

² May 16 Order at P 57.

³ Clarification Order at P 6.

Docket No. RC08-4-002

2

3. On July 25, 2008, you submitted on behalf of NERC, a compliance filing that lists each Reliability Standard that applies to transmission owners and transmission operators and identifies whether each Requirement of such standard applies to Harquahala.
4. Notice of this filing was issued on July 30, 2008, with comments, protests or motions to intervene due on or before August 15, 2008. No interventions or comments were received.
5. NERC's uncontested filing is accepted pursuant to the relevant authority delegated to the Director, Office of Electric Reliability, under 18 C.F.R. § 375.303(a)(2)(i)(2010).
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 18 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

cc: All Parties

Document Content(s)

RC08-4-002.DOC.....1-2