

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suedeem G. Kelly.

Commonwealth Edison Company

Docket No. ER04-897-000 and
ER04-897-001

ORDER ACCEPTING REDESIGNATION OF SERVICE AGREEMENTS
AND DENYING PROTEST

(Issued August 10, 2004)

1. Commonwealth Edison Company (ComEd) filed 42 interconnection service agreements (Agreements) which are currently under its Open Access Transmission Tariff (OATT), for redesignation as service agreements under PJM Interconnection, L.L.C.'s (PJM) OATT. In this order we accept the redesignated Agreements, referenced in the Appendix, filed in compliance with Order No. 614,¹ and deny the protest by PPL University Park, LLC (PPL) regarding the unchanged provisions on network upgrades. This order benefits customers by ensuring that these service agreements are properly designated under PJM's OATT

I. Background

2. In April 2003, the Commission approved the transfer of functional control of ComEd's transmission facilities to PJM and the cancellation of ComEd's OATT to be effective on date of the transfer.² On May 1, 2004, ComEd transferred control to PJM and its OATT was cancelled. Therefore, in compliance with Order No. 614, ComEd has filed the Agreements as original service agreements under PJM's OATT and designated them accordingly.

¹ Designation of Electric Rate Schedule Sheets, 65 Fed. Reg. 18,221 (2000) (Order No. 614).

² American Electric Power, *et al.*, 103 FERC ¶ 61,008 (2003).

II. Notice and Pleading

3. Notice of ComEd's June 1, 2004, filing was published in the *Federal Register*, 69 Fed. Reg. 34,345 (2004), with interventions or comments due on or before June 22, 2004 and Notice of ComEd's June 17, 2004 supplemental filing was published in the *Federal Register*, 69 Fed. Reg. 40,892 (2004), with interventions or comments due on or before July 7, 2004. PPL filed a timely motion to intervene and protest, ComEd filed an answer protesting PPL's motion to intervene, and PPL filed a response to ComEd's answer.

4. PPL protests this filing arguing that its Agreement with ComEd is unjust and unreasonable because it does not provide for reimbursement for the network upgrades paid for by PPL. PPL states Commission policy requires reimbursement for network upgrades, and since its Agreement does not recognize any reimbursement, ComEd should be required to amend the agreement accordingly.

III. Discussion

5. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2004), PPL's timely motion to intervene serves to make PPL a party to this proceeding. As a party to one of the Agreements ComEd has filed for redesignation, PPL has sufficient interest in this proceeding to grant its motion to intervene.

6. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2004), prohibits an answer to a protest or answer unless otherwise ordered by the decisional authority. As further explained below, we are not persuaded to accept ComEd or PPL's answer and will, therefore, reject them.

7. We find PPL's protest to the redesignation of the Agreements to be outside the scope of this proceeding and will, therefore, deny it. ComEd's instant filing is strictly ministerial in nature and intended to comply with Order No. 614. ComEd has proposed no changes to the terms of the Agreement; it only renumbers and renames the Agreements to be consistent with PJM's OATT. PPL's protest addresses a concern as to the terms of the Agreement that is more properly filed in a complaint proceeding as provided for in Rule 206, 18 C.F.R. § 385.206 (2004). A complaint proceeding ensures that PPL will have presented all of the required information to permit a thorough evaluation of the complaint while allowing all of the entities involved, including ComEd and PJM, to respond.

8. Accordingly, the only relevant issue in this proceeding is whether ComEd's filing complies with the requirements of Order No. 614. Our review indicates that ComEd's redesignation complies with Order No. 614 and is consistent with PJM's designation for similar agreements. Therefore, ComEd's redesignated Agreements are accepted for filing.

The Commission orders:

(A) ComEd's proposed redesignated Agreements are hereby accepted for filing.

(B) PPL's protest is hereby denied.

By the Commission.

(S E A L)

Linda Mitry,
Acting Secretary.

APPENDIX

PJM Interconnection, LLC
Docket Nos. ER04-897-000 and ER04-897-001
Rate Schedule Designations
Effective Date: May 1, 2004

Note: Commonwealth Edison Company's existing service agreements are under FERC Electric Tariff, First Revised Volume No. 5.

The service agreements are being redesignated under PJM Interconnection, LLC's FERC Electric Tariff, Sixth Revised Volume No. 1.

| | Commonwealth Edison Company | PJM Interconnection, LLC | Parties to the Agreement |
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| 1. | Service Agreement No. 516 | Original Service Agreement No. 1043 | Calpine Morris LLP Equistar Chemicals LLP Commonwealth Edison Company |
| 2. | Service Agreement No. 518 | Original Service Agreement No. 1044 | Chicago Heights Energy Partners, LP Commonwealth Edison Company |
| 3. | Service Agreement No. 519 | Original Service Agreement No. 1045 | Calumet Power LLC Commonwealth Edison Company |
| 4. | Service Agreement No. 536 | Original Service Agreement No. 1046 | Elwood Energy II LLC Commonwealth Edison Company |
| 5. | Service Agreement No. 537 | Original Service Agreement No. 1047 | Elwood Energy III LLC Commonwealth Edison Company |
| 6. | First Revised Service Agreement No. 539 | Original Service Agreement No. 1048 | LSP-Nelson Energy, LLC Commonwealth Edison Company |
| 7. | Service Agreement No. 540 | Original Service Agreement No. 1049 | Calumet Energy Team LLC Commonwealth Edison Company |

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| 8. | First Revised Service Agreement No. 552 | Original Service Agreement No. 1050 | University Park Energy, LLC Commonwealth Edison Company |
| 9. | Service Agreement No. 555 | Original Service Agreement No. 1051 | Ameren Energy Development Company Commonwealth Edison Company |
| 10. | Substitute Original Service Agreement No. 565 | Original Service Agreement No. 1052 | Zion Energy LLC Commonwealth Edison Company |
| 11. | Service Agreement No. 570 | Original Service Agreement No. 1053 | Large Scale Distributed Generation II, Statutory Trust Commonwealth Edison Company |
| 12. | Service Agreement No. 585 | Original Service Agreement No. 1054 | Kendall New Century Development, L.L.C. Commonwealth Edison Company |
| 13. | Service Agreement No. 586 | Original Service Agreement No. 1055 | Titan Land Development Company L.L.C. Commonwealth Edison Company |
| 14. | Service Agreement No. 587 | Original Service Agreement No. 1056 | Indeck-Rockford II, L.L.C. Commonwealth Edison Company |
| 15. | Service Agreement No. 588 | Original Service Agreement No. 1057 | Indeck-Bourbonnaise, L.L.C. Commonwealth Edison Company |
| 16. | Service Agreement No. 599 | Original Service Agreement No. 1058 | Crete Energy Venture LLC Commonwealth Edison Company |
| 17. | Substitute Service Agreement No. 701 | Original Service Agreement No. 1059 | Grande Prairie Energy, Inc. Commonwealth Edison Company |
| 18. | Service Agreement No. 728 | Original Service Agreement No. 1060 | Mendota Hills, LLC Commonwealth Edison Company |
| 19. | Service Agreement No. 729 | Original Service Agreement No. 1061 | FPL Energy Illinois Wind, LLC |
| 20. | Service Agreement No. 731 | Original Service Agreement No. 1062 | Zilkha Renewable Energy Midwest, I, LLC Commonwealth Edison Company |
| 21. | Service Agreement No. 732 | Original Service Agreement No. 1063 | Zilkha Renewable Energy Midwest VI, LLC Commonwealth Edison Company |

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| 22. | Service Agreement No. 749 | Original Service Agreement No. 1064 | Midwest Generation, LLC: Crawford Generating Station Commonwealth Edison Company |
| 23. | Service Agreement No. 750 | Original Service Agreement No. 1065 | Midwest Generation, LLC: Fisk Generating Station Commonwealth Edison Company |
| 24. | Service Agreement No. 751 | Original Service Agreement No. 1066 | Midwest Generation, LLC: Waukegan Generating Station Commonwealth Edison Company |
| 25. | Service Agreement No. 752 | Original Service Agreement No. 1067 | Midwest Generation, LLC: Electric Junction Peaker Site Commonwealth Edison Company |
| 26. | Service Agreement No. 753 | Original Service Agreement No. 1068 | Midwest Generation, LLC: Bloom Peaker Site Commonwealth Edison Company |
| 27. | Service Agreement No. 754 | Original Service Agreement No. 1069 | Midwest Generation, LLC: Lombard Peaker Site Commonwealth Edison Company |
| 28. | Service Agreement No. 755 | Original Service Agreement No. 1070 | Midwest Generation, LLC: Calumet Peaker Site Commonwealth Edison Company |
| 29. | Service Agreement No. 756 | Original Service Agreement No. 1071 | Midwest Generation, LLC: Sabrooke Peaker Site Commonwealth Edison Company |
| 30. | Service Agreement 757 | Original Service Agreement No. 1072 | Midwest Generation, LLC: Collins Generating Station Commonwealth Edison Company |
| 31 | Service Agreement 758 | Original Service Agreement No. 1073 | Midwest Generation, LLC: Joilet #9 Generating Station Commonwealth Edison Company |
| 32. | Service Agreement 759 | Original Service Agreement No. 1074 | Midwest Generation, LLC: Joilet #29 Generating Station Commonwealth Edison Company |

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| 33. | Service Agreement 760 | Original Service Agreement No. 1075 | Midwest Generation, LLC: Powerton Generating Station Commonwealth Edison Company |
| 34. | Service Agreement 761 | Original Service Agreement No. 1076 | Midwest Generation, LLC: Will County Generating Station Commonwealth Edison Company |
| 35. | Service Agreement No. 762 | Original Service Agreement No. 1077 | LSP-Kendall Energy, LLC Commonwealth Edison Company |
| 36. | Service Agreement No. 763 | Original Service Agreement No. 1078 | Elwood Energy LLC Commonwealth Edison Company |
| 37. | Service Agreement No. 764 | Original Service Agreement No. 1079 | Cordova Energy Company LLC Commonwealth Edison Company |
| 38. | Service Agreement No. 765 | Original Service Agreement No. 1080 | Allegheny Energy Supply Lincoln Generating Facility, LLC Commonwealth Edison Company |
| 39. | Service Agreement No. 490 | Original Service Agreement No. 1081 | Exelon Generating Company, LLC-Quad Cities Nuclear Power Station Commonwealth Edison Company |
| 40. | First Revised Service Agreement No. 491 | Original Service Agreement No. 1082 | Exelon Generation Company, LLC-Byron Nuclear Power Station Commonwealth Edison Company |
| 41. | First Revised Service Agreement No. 492 | Original Service Agreement No. 1083 | Exelon Generation Company, LLC-Braidwood Nuclear Power Station Commonwealth Edison Company |
| 42. | First Revised Service Agreement No. 493 | Original Service Agreement No. 1084 | Exelon Generation Company, LLC-LaSalle County Nuclear Power Station Commonwealth Edison Company |
| 43. | First Revised Service Agreement No. 494 | Original Service Agreement No. 1085 | Exelon Generation Company, LLC-Dresden Nuclear Power Station Commonwealth Edison Company |

