

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

South Louisiana Electric Cooperative Association)
) **Docket No. RC13-4-000**

**MOTION FOR LEAVE TO ANSWER AND ANSWER OF THE
NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION**

Pursuant to Rules 212 and 213 of the Federal Energy Regulatory Commission’s (“Commission” or “FERC”) Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.213, the North American Electric Reliability Corporation (“NERC”)¹ hereby requests leave to file this limited response to the April 2, 2013 Answer filed by the South Louisiana Electric Cooperative Association (“SLECA”) in the above-referenced proceeding. SLECA’s Answer merits a response to clarify the record so that the Commission will have a correct and complete record before it regarding the registration of SLECA as a Distribution Provider (“DP”) and Load Serving Entity (“LSE”).

I. MOTION FOR LEAVE TO ANSWER

The Commission’s rules do not permit the filing of answers to answers; however, the Commission has granted leave to file such answers if they clarify the issues in dispute, ensure a complete and accurate record, or otherwise provide information that will assist the Commission in its decision-making process.² To ensure that the Commission has complete and accurate

¹ NERC was certified by FERC as the electric reliability organization (“ERO”) authorized by Section 215 of the Federal Power Act. FERC certified NERC as the ERO in its order issued July 20, 2006 in Docket No. RR06-1-000. *Order Certifying North American Electric Reliability Corporation as the Electric Reliability Organization and Ordering Compliance Filing*, 116 FERC ¶ 61,062 (2006) (“ERO Certification Order”).

² See, e.g., *San Diego Gas & Electric v. Sellers of Energy and Ancillary Services*, 108 FERC ¶ 61,219, at P14, n. 7 (2004) (answer was accepted as it “provided information that assisted [the Commission in its] decision-making process”); *Michigan Electric Transmission Co.*, 106 FERC ¶ 61,064, at P 3 (2004) (the permitted answer “provides information that clarifies the issues”); *North American Electric Reliability Corporation*, 116 FERC ¶ 61,062, at P 24 (2006) (reply comments of NERC and others accepted “because they have provided information that assisted us in

information upon which to make a decision, NERC requests leave to submit this limited response to SLECA's Answer.

II. LIMITED ANSWER

SLECA is subject to registration under section I of the Registry Criteria because it is a "user" of the BPS. Whether an entity is a "user" of the BPS is a threshold question in the analysis and application of the NERC Registry Criteria. Whether an entity such as SLECA owns or operates BPS elements is only relevant to registration as a Transmission Owner or Operator. Neither of these registry functions is at issue in this case. Registration as a DP or LSE does not rely on ownership or operation of BPS elements. Rather, the analysis as to whether an entity meets the Criteria for these functions relies on the performance of the functions described in section II, as well as the thresholds established in section III of the Registry Criteria. SLECA is a "user" of the BPS under section I of the Registry Criteria and meets the criteria of a DP and LSE under section III. Therefore, the NERC Board of Trustees Compliance Committee's decision to uphold SLECA's registration as a DP and LSE should be affirmed.

While NERC disputes SLECA's characterization of the discussion held between the parties, the relevant diagrams are part of the record and therefore are available for the Commission's review.

our decision making process"); *North American Electric Reliability Corporation*, 117 FERC ¶ 61,091, at P 18 (2006) (same); *North American Electric Reliability Corporation*, 119 FERC ¶ 61,248, at P 6 (2007); *North American Electric Reliability Corporation*, 127 FERC ¶ 61,209 (2009), at P 5.

III. CONCLUSION

NERC respectfully requests that the Commission accept NERC's Answer and uphold SLECA's registration as a DP and LSE.

Respectfully submitted,

/s/ Rebecca J. Michael

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Dated: April 30, 2013

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon all parties listed on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C. this 30th day of April, 2013.

/s/ Rebecca J. Michael

Rebecca J. Michael
*Attorney for North American
Electric Reliability Corporation*