

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

North American Electric Reliability Corporation
Docket No. RR10-2-000

January 14, 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: Petition for Approval of Amendment to Delegation Agreements with
Regional Entities to Extend Initial Term of Agreements to May 2011

Dear Ms. Michael:

1. On November 12, 2009, the North American Electric Reliability Corporation (NERC) submitted a filing that requested approval of an amendment to NERC's Delegation Agreement with each of the eight Regional Entities,¹ for the purpose of extending the initial term of each Delegation Agreement.
2. In accordance with a Commission Order issued April 17, 2007, the Delegation Agreements between NERC and the Regional Entities are currently effective until May 2010.² NERC states that based on experience and issues

¹ The eight Regional Entities are Florida Reliability Coordinating Council (FRCC), Midwest Reliability Organization (MRO), Northeast Power Coordinating Council, Inc. (NPCC), ReliabilityFirst Corporation (ReliabilityFirst), SERC Reliability Corporation (SERC), Southwest Power Pool (SPP), Texas Regional Entity, a division of the Electric Reliability Council of Texas (Texas RE), and Western Electricity Coordinating Council (WECC).

² *Order Accepting ERO Compliance Filing, Accepting ERO/Regional Entity Delegation Agreements, and Accepting Regional Entity 2007 Business Plans, 119 FERC ¶61,060 (2007).*

identified in the *Three-Year ERO Performance Report* submitted on July 20, 2009,³ it and the Regional Entities are considering future amendments to the Delegation Agreements. However, the time remaining in the initial term of the Delegation Agreements is not sufficient to negotiate these amendments, obtain stakeholder comments, obtain approval from their respective governing bodies, and file with the Commission for approval of the amended Delegation Agreements. Therefore, NERC requests extension of the initial term of each Delegation Agreement by one year, to May 2, 2011. Instead of filing clean and redlined copies of the complete Delegation Agreement, NERC has filed the specific text of the proposed amendment to the first sentence of §11(b) of each Delegation Agreement.

3. Notice of this filing was issued on November 13, 2009, with comments, protests or motions to intervene due on or before December 3, 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. SSP Regional Entity, American Municipal Power, Edison Electric Institute, and Nebraska Public Power District filed timely motions to intervene. Midwest Reliability Organization filed an out-of-time motion to intervene. 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.

³ NERC, *Three-Year Performance Assessment Report*, Docket No. RR09-7-000, (July 20, 2009).

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