

NedPower Mount Storm, LLC, Market-Based Rate Tariff
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MARKET-BASED RATE TARIFF

OF

NEDPOWER MOUNT STORM, LLC

PROVIDING FOR

SALES OF CAPACITY, ENERGY AND/OR ANCILLARY SERVICES

I. DEFINITIONS

The following words and terms used herein shall be understood to have the following meanings:

1. Buyer. A purchaser of electric capacity, energy and/or ancillary services under this Tariff.
2. Commission. "Commission" means the Federal Energy Regulatory Commission or such successor Federal regulatory agency as may have jurisdiction over this Tariff.
3. Parties. "Parties" mean Seller and Buyer that have entered into an agreement for service pursuant to this Tariff.
4. Seller. NedPower Mount Storm, LLC is a Category 2 Seller in the Northeast region and is a Category 1 Seller in the: Northwest, Central, Southwest, Southwest Power Pool, and Southeast regions, as defined in 18 C.F.R. § 35.36(a).
5. Tariff. "Tariff" means this market-based rate tariff, as amended from time to time.

II. SALES OF ELECTRIC CAPACITY, ENERGY AND/OR ANCILLARY SERVICES

1. Electric Capacity and Energy: Seller may sell electric capacity and/or energy to Buyer under this Tariff from time to time at rates, terms and conditions established by the agreement of the Parties. All such transactions shall be voluntary.

2. Ancillary Services: Seller may sell the following ancillary services to Buyer under this Tariff from time to time at rates, terms and conditions established by the agreement of the Parties. All such transactions shall be voluntary.

a. RTO/ISO specific:

i. PJM: Seller offers regulation and frequency response service, energy imbalance service, and operating reserve service (which includes spinning, 10-minute, and 30-minute reserves) for sale into the market administered by PJM Interconnection, L.L.C. ("PJM") and, where the PJM Open Access Transmission Tariff permits, the self-supply of these services to purchasers for a bilateral sale that is used to satisfy the ancillary services requirements of the PJM Office of Interconnection.

ii. New York: Seller offers regulation and frequency response service, and operating reserve service (which include 10-minute non-synchronous, 30-minute operating reserves, 10-minute spinning reserves, and 10-minute non-spinning reserves) for sale to purchasers in the market administered by the New York Independent System Operator, Inc.

iii. New England: Seller offers regulation and frequency response service (automatic generator control), operating reserve service (which includes 10-minute spinning reserve, 10-minute non-spinning reserve, and 30-minute operating reserve service) to purchasers within the markets administered by the ISO New England, Inc.

iv. MISO: Seller offers regulation service and operating reserve service (which includes 10-minute spinning reserve and 10-minute supplemental reserve) for sale to the Midcontinent Independent System Operator, Inc. (MISO) and to others that are self-supplying ancillary services to MISO.

b. Ancillary Services - Third Party Provider: Third-party ancillary services: Seller Offers Regulation and Frequency Response Service, Energy Imbalance Service, Operating Reserve-Spinning Service, and/or Operating Reserve-and Supplemental Reserves Service. Sales will not include the following: (1) sales to an RTO or an ISO, *i.e.*, where that entity has no ability to self-supply ancillary services but instead depends on third parties:

(2) sales to a traditional, franchised public utility affiliated with the third-party supplier, or sales where the underlying transmission service is on the system of the public utility affiliated with the third-party supplier; and (3) sales to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers.

3. Provision of Unbundled Transmission Service: This Tariff does not provide for the sale of transmission service or ancillary services. Either Seller or Buyer may arrange for transmission service and ancillary services in conjunction with the sale of capacity and energy.

III. RATES

All sales shall be made at rates established by agreement between Seller and Buyer.

IV. OTHER TERMS AND CONDITIONS

All other terms and conditions shall be established by agreement between Seller and Buyer.

V. COMPLIANCE WITH COMMISSION REGULATIONS

Seller shall comply with the provisions of 18 CFR Part 35, Subpart H, as applicable, and with any conditions the Commission imposes in its orders concerning seller's market-based rate authority, including orders in which the Commission authorizes seller to engage in affiliate sales under this tariff or otherwise restricts or limits the seller's market-based rate authority. Failure to comply with the applicable provisions of 18 CFR Part 35, Subpart H, and with any orders of the Commission concerning seller's market-based rate authority, will constitute a violation of this tariff.

VI. LIMITATIONS AND EXEMPTIONS REGARDING MARKET-BASED RATE AUTHORITY

Seller has been granted waivers of 18 CFR Parts 41, 101 and 141 of the Commission's regulations concerning accounting and periodic reporting requirements with the exception of sections 141.14 and 141.15. Seller has been granted waivers of Subparts B and C of Part 35 of the Commission's regulations requiring the filing of cost-of-service information, except as to sections 35.12(a), 35.13(b), 35.15, and 35.16. Seller has been granted blanket authorization for all future issuances of securities or assumptions of liabilities pursuant to Section 204 of the Federal Power Act, 16 U.S.C. § 824e, and Part 34 of the Commission's regulations. See FERC letter order, Docket No. ER07-1306-000, et al., issued November 7, 2007.

In its September 29, 2011 Order Conditionally Granting Request for Waiver of Affiliate Restrictions, FERC granted Seller a limited waiver of the Affiliate Restrictions in 18 C.F.R. § 35.39 to permit Seller to share fuel procurement employees between a franchised public utility and its market-regulated power sales affiliates. *Virginia Electric and Power Co.*, 136 FERC ¶ 61,215 (Sept 29, 2011).

On July 11, 2013, in its Order Conditionally Granting Request for Waiver of Affiliate Restrictions, FERC granted Seller a limited waiver of the Affiliate Restrictions in 18 C.F.R. § 35.39 to permit Seller to share nuclear generation outage planning employees between a franchised public utility and its market-regulated power sales affiliates. *Virginia Electric and Power Co.*, 144 FERC ¶ 61,021 (July 11, 2013).

VII. EFFECTIVE DATE

The Tariff is effective upon the date specified by the Commission.

VIII. FILING AND REPORTING REQUIREMENTS

Seller will comply with the current Commission policies and regulations for the filing and/or reporting of service agreements and transactions pursuant to the Tariff.

IX. REVISIONS TO THE TARIFF

Seller may file revisions to this Tariff by notifying Buyer in writing and by unilaterally making the appropriate filing with the Commission pursuant to the provisions of Section 205 of the Federal Power Act; provided, however, that such revision shall not affect the rates, terms and conditions of transactions entered into prior to the date of such revision, unless otherwise agreed by the Parties.