

## **Lein, Jerry R.**

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**From:** April Peterson [APeterson@midwestiso.org]  
**Sent:** Thursday, April 01, 2010 11:06 AM  
**To:** Clark, Tony T.  
**Cc:** Lein, Jerry R.  
**Subject:** MISO - RERRA DRR Notification (Updated)

Dear Chairman Clark,

By e-mail dated March 19, 2010, the Midwest ISO informed you that CPLN – CPOWER, INC was registering as an Aggregator of Retail Customers (“ARC”) in North Dakota. Since that notification, CPLN – CPOWER, INC has withdrawn its registration for demand response assets of the retail customer(s) in North Dakota.

If you have any questions regarding the above or would like to provide us feedback, please feel free to contact any of the following:

Keith L. Beall  
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**From:** April Peterson  
**Sent:** Friday, March 19, 2010 5:03 PM  
**To:** Tclark@nd.gov; Jlein@nd.gov  
**Subject:** MISO - RERRA DRR Notification

**3** **PU-10-59** Filed: 4/1/2010 Pages: 3  
Notification from MISO re. Withdrawal of CPLN –  
CPOWER, Inc. registration as an ARC

Public Service Commission

Dear Tony and Jerry,

In our continuing effort to communicate and coordinate with the regulatory authorities in the Midwest ISO footprint, this email transmission serves as our notification to you that the Midwest ISO has received a Market Participant registration from CPLN – CPOWER, INC. who is seeking to become an Aggregator of Retail Customers (“ARC”), pursuant to the directives of FERC Order 719 and 719A<sup>[1]</sup>. The ARC registration identified you as the Relevant Electric Retail Regulatory Authority (“RERRA”) for a retail

customer who the ARC registration indicates is located in the NSPP - NSP ENERGY MARKETING service territory. The ARC has asserted these retail customers are eligible to participate in the Midwest ISO wholesale market. The ARC's intent is to register certain demand response assets of the retail customer(s) within your jurisdiction to allow them to participate directly in the Midwest ISO's Wholesale Markets.

Please note that the ARC has indicated in its Midwest ISO registration materials that:

1. The ARC has certified that the laws, regulations, or order(s) do not preclude<sup>[2]</sup> the retail customers from participating directly in Midwest ISO's Markets.
2. The Marginal Foregone Retail Rate(s)<sup>[3]</sup> provided by the ARC in the registration for the asset(s) under your jurisdiction is (are):

	Location 1
MFRR (\$kWh)	0.11363

and

3. The demand response asset level(s) of participation as shown on the ARC's registration is (are):

	Location 1
Total Load Reduction (MW)	0.043

Please be aware that the Midwest ISO ARC process includes a ten (10) business day period to allow the applicable RERRA an opportunity to comment on the ARC's application before it becomes effective. The Midwest ISO may not accept bids from ARCs that aggregate the demand response of: (1) the customers of utilities that distributed more than 4 million MWh in the previous fiscal year, where the RERRA prohibits the demand response of such customers to be bid into organized markets by an ARC; or (2) the customers of utilities that distributed 4 million MWh or less in the previous fiscal year, unless the RERRA specifically permits the demand response of such customers to be bid into organized markets by an ARC.<sup>[4]</sup> To the extent that the RERRA has affirmatively considered this issue and either of the above conditions precedents have not been met as represented in the ARC registration, we would appreciate any feedback you care to offer within the next ten (10) business days so that we may properly and correctly process this ARC registration. We seek this feedback to assure that the ARC's participation is permitted or not prohibited by the RERRA.

Thank you. If you have any questions regarding the above or would like to provide us feedback, please feel free to contact any of the following:

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<sup>[1]</sup> *Wholesale Competition in Regions with Organized Electric Markets*, Final Rule, 125 FERC ¶ 61,071 (2008) (“Order No. 719” or “Final Rule”), *order on reh’g*, 128 FERC ¶ 61,059 (2009) (“Order No. 719-A”). The Final Rule was published in the Federal Register on October 28, 2008, and became effective on December 29, 2008.

<sup>2</sup>FERC Order No. 719-A, at P 60.

<sup>3</sup>FERC Order No. 719-A at P 60.

<sup>4</sup> See Midwest ISO October 2, 2009 filing in FERC Docket No. ER09-1049-002, Trans. Ltr. at 13, Robinson Testimony at 13, 16-17.

<sup>5</sup> *Id.*

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<sup>[1]</sup> *Wholesale Competition in Regions with Organized Electric Markets*, Final Rule, 125 FERC ¶ 61,071 (2008) (“Order No. 719” or “Final Rule”), *order on reh’g*, 128 FERC ¶ 61,059 (2009) (“Order No. 719-A”). The Final Rule was published in the Federal Register on October 28, 2008, and became effective on December 29, 2008.

<sup>[2]</sup> FERC Order No. 719-A, at P 60.

<sup>[3]</sup> See Midwest ISO October 2, 2009 filing in FERC Docket No. ER09-1049-002, Trans. Ltr. at 13, Robinson Testimony at 13, 16-17.

<sup>[4]</sup> *Id.*