

154 FERC ¶ 61,078  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Norman C. Bay, Chairman;  
Cheryl A. LaFleur, Tony Clark,  
and Colette D. Honorable.

Bonneville Power Administration

Docket No. NJ15-16-000

ORDER ON PETITION FOR DECLARATORY ORDER

(Issued February 2, 2016)

1. In this order, the Commission grants Bonneville Power Administration's (Bonneville) petition for declaratory order and accepts Bonneville's revised Oversupply Management Protocol (OMP) without an expiration date.

**I. Background**

2. Bonneville's OMP<sup>1</sup> arose out of a complaint filed on June 13, 2011 by Iberdrola Renewables, Inc. (Iberdrola), PacifiCorp, NextEra Energy Resources, LLC, Invenergy Wind North America, LLC, and Horizon Wind Energy LLC (collectively, Complainants), which alleged that Bonneville, under its Environmental Redispatch and Negative Pricing Policy (Environmental Redispatch Policy),<sup>2</sup> had acted in an unduly discriminatory manner by directing the displacement of wind generators' generating capacity and then using the wind generators' firm transmission rights to deliver federal hydropower to the

---

<sup>1</sup> The lengthy procedural history of this proceeding has been described in detail in *Iberdrola Renewables, Inc. v. Bonneville Power Admin.*, 149 FERC ¶ 61,044 (2014) (October 2014 Order) and in other proceedings and so we will not further repeat this history here. See, e.g., *Iberdrola Renewables, Inc. v. Bonneville Power Admin.*, 141 FERC ¶ 61,234 (2012) (2012 Compliance Order); *Iberdrola Renewables, Inc. v. Bonneville Power Admin.*, 137 FERC ¶ 61,185 (2011) (December 2011 Order).

<sup>2</sup> Under Bonneville's Environmental Redispatch Policy, Bonneville would address excess water supply by substituting free federal hydropower for wind or other generation, but would not compensate generators for the costs associated with these displacements.

wind generators' customers. Complainants requested that the Commission invoke its authority under section 211A of the Federal Power Act<sup>3</sup> to direct Bonneville to change its curtailment practices and to file a revised open access transmission tariff (OATT) with the Commission.<sup>4</sup>

3. Upon finding that Bonneville's Environmental Redispatch Policy resulted in non-comparable treatment of certain generating resources under section 211A in the December 2011 Order, the Commission directed Bonneville to submit OATT revisions that provided for transmission service under terms and conditions that were comparable to those under which Bonneville provided transmission service to itself, and that were not unduly discriminatory or preferential.<sup>5</sup> On compliance, Bonneville proposed the OMP, which sets forth the terms and conditions for displacing and compensating generation during periods of oversupply. Bonneville proposed to compensate generation displaced under the OMP for certain costs, including: (1) production tax credits that a wind generator would have received but for the displacement; (2) lost renewable energy credits unbundled from the sale of power; and (3) lost revenues or penalties for the failure to generate renewable energy, with respect to power sales contracts executed on or before March 6, 2012.<sup>6</sup>

4. Bonneville also proposed to fund the compensation to displaced generators through transmission reserves, and it sought to recover those funds once a cost allocation methodology was established in a formal rate case conducted pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act).<sup>7</sup> Bonneville explained that it was proposing a methodology that allocated 50 percent of the displacement costs under the OMP to generators who submit displacement costs, and 50 percent of the displacement costs under the OMP to purchasers of power from the Federal Base System.<sup>8</sup>

---

<sup>3</sup> 16 U.S.C. § 824j-1 (2012).

<sup>4</sup> Complainants June 13, 2011 Complaint.

<sup>5</sup> December 2011 Order, 137 FERC ¶ 61,185 at PP 62-65.

<sup>6</sup> Bonneville March 6, 2012 Compliance Filing at 12-18.

<sup>7</sup> 16 U.S.C. § 839-839h (2012).

<sup>8</sup> The Federal Base System includes the Columbia River hydroelectric projects and certain other projects acquired by Bonneville.

5. The Commission conditionally accepted the OMP in the 2012 Compliance Order as a balanced interim measure that addressed Bonneville's oversupply problems, subject to Bonneville submitting a further compliance filing that set forth a cost allocation methodology that equitably allocates displacement costs to all firm transmission customers. The Commission suggested a methodology based on generators' respective transmission usage during oversupply situations, but it did not require any specific methodology, noting that Bonneville could establish any methodology that ensures comparability in the provision of transmission service by Bonneville. The Commission stated that it would evaluate whether such methodology, coupled with the non-rate terms and conditions under the OMP, ensures comparable transmission service for all resources.<sup>9</sup> The Commission also noted that, because the OMP was designed as a short-term measure that would expire on March 31, 2013, Bonneville would be under a continuing obligation to file proposals to manage oversupply conditions for Commission review until a long-term solution was approved.<sup>10</sup>

6. On March 1, 2013, in response to the Commission's statement in the Compliance Order that Bonneville would be under a continuing obligation to submit for Commission review any proposals to manage oversupply conditions, Bonneville filed the revised OMP, which was substantially similar to the original OMP.<sup>11</sup> On May 23, 2014, upon conclusion of the Northwest Power Act rate case, Bonneville filed its proposed cost allocation methodology, under which it would allocate displacement costs to transmission customers based on scheduled transmission use during oversupply situations.<sup>12</sup>

7. In an order issued on October 16, 2014,<sup>13</sup> the Commission found that the cost allocation methodology proposed by Bonneville complied with the directive in the 2012 Compliance Order to establish a cost allocation methodology that equitably allocates displacement or oversupply costs and ensures comparable service for all transmission

---

<sup>9</sup> *Id.* P 46.

<sup>10</sup> *Id.* P 47.

<sup>11</sup> Bonneville March 1, 2013 Revised OMP Proposal. For purposes of simplicity, and because the non-rate terms and conditions of the OMP and revised OMP are substantially similar, this order will refer to the original and revised protocols simply as "the OMP."

<sup>12</sup> Bonneville May 23, 2014 OMP Cost Allocation Methodology Proposal (Cost Allocation Proposal).

<sup>13</sup> October 2014 Order, 149 FERC ¶ 61,044.

customers. In particular, the Commission found that oversupply costs were properly categorized as transmission costs. Thus, the Commission found that these costs were properly allocable to Bonneville's transmission rates and rejected arguments that the proposed cost allocation methodology constituted an improper subsidy to Bonneville's preference customers through their power rates.<sup>14</sup> Further, the Commission found that a cost allocation based on the scheduled transmission use was consistent with comparability requirements and cost causation principles because the "scheduled use of transmission serves as a proxy measure for the amount of generation occurring during an oversupply event," and it was the excess generation seeking to use the transmission system that results in Bonneville incurring oversupply costs.<sup>15</sup>

8. The Commission also found that the non-rate terms and conditions of the OMP, in combination with the proposed cost allocation methodology, resulted in comparable transmission service.<sup>16</sup> The Commission rejected arguments that the OMP violates contractual transmission rights to redirect or resell transmission service because, when the OMP is utilized, the "scheduled transmission service is simply not available" for any use other than Bonneville's need to manage the oversupply event.<sup>17</sup> In addition, the Commission rejected arguments that Bonneville had not demonstrated the ongoing need for the OMP, finding that commenters' objections had expressed a preference for other methods of managing oversupply, but that commenters had not refuted the clear need for Bonneville to retain a measure of last resort for managing oversupply events after other alternatives have been exhausted.<sup>18</sup> With regard to concerns that the OMP had become a permanent fixture, rather than an interim solution, the Commission reminded parties that the OMP would expire on September 30, 2015 and stated that, "if Bonneville wishes to extend its use of the OMP beyond that date, it will need to make a filing with the Commission that explains why continued use of the OMP is justified."<sup>19</sup>

---

<sup>14</sup> *Id.* P 40.

<sup>15</sup> *Id.* P 41.

<sup>16</sup> *Id.* P 52.

<sup>17</sup> *Id.* P 53.

<sup>18</sup> *Id.* P 54.

<sup>19</sup> *Id.* P 75.

9. The Commission declined to require Bonneville to consider selling its excess hydropower at negative prices, explaining that Bonneville had satisfied the directives of the 2012 Compliance Order, which did not mandate the inclusion of negative pricing as one of the alternative actions Bonneville should take to manage oversupply events before using the OMP. Further, the Commission found that commenters had not provided any compelling reasons to revisit the issue of negative pricing.<sup>20</sup>

10. On November 17, 2014, Iberdrola and Caithness Shepherds Flat, LLC filed requests for rehearing and/or clarification of the October 2014 Order. The Commission denied rehearing,<sup>21</sup> and rejected arguments that the OMP was inconsistent with the *pro forma* OATT and violated transmission rights.

11. On June 17, 2015, Bonneville filed the instant petition for declaratory order, arguing that the Commission should find that, although the two previous versions of the OMP contained expiration dates, there is no need to similarly revisit the OMP in the future.<sup>22</sup> Bonneville maintains that, while in the 2012 Compliance Order, the Commission accepted Bonneville's OMP as an interim solution, the Commission made no such limitation in accepting the OMP in the October 2014 Order. Bonneville points out that the Commission made unequivocal findings that oversupply costs were properly allocated to generation scheduled to use Bonneville's transmission system and that wind generation was not harmed by displacement under the OMP.<sup>23</sup>

12. Bonneville argues that, as such, the OMP is at least part of a durable long-term solution for oversupply events. Bonneville states that, while it has been unable to reach a settlement with its customers, it has developed various mechanisms for minimizing the OMP's use, "from rescheduling outages, to coordinated spill, to exports of power, to spill exchanges."<sup>24</sup> According to Bonneville, the OMP now functions as a backstop

---

<sup>20</sup> *Id.* P 59.

<sup>21</sup> *Iberdrola Renewables, Inc. v. Bonneville Power Admin.*, 150 FERC ¶ 61,113 (2015) (February 2015 Rehearing Order).

<sup>22</sup> Bonneville Petition at 7.

<sup>23</sup> *Id.* at 8 (citing October 2014 Order, 149 FERC ¶ 61,044 at P 19).

<sup>24</sup> *Id.* at 10.

mechanism to be used as a final resort when all alternatives fail. Bonneville adds that it has not used the OMP since 2012.<sup>25</sup>

13. Bonneville further states that its exploration of alternatives has been prodigious, noting that several of those who had protested its OMP have praised Bonneville in regard to its exploration of alternatives. Bonneville states that it will continue to explore alternatives, but that it needs the OMP as a last resort in order to ensure that it fulfills its legal responsibilities in operating the transmission system.<sup>26</sup>

14. Finally, Bonneville petitions for an exemption from the filing fee applicable to petitions for declaratory orders because, as an agency of the United States Department of Energy, engaged in the official business of the Federal government, it is exempt from filing fees.<sup>27</sup>

## **II. Notice, Interventions, and Pleadings**

15. Notice of Bonneville's filing was published in the *Federal Register*, 80 Fed. Reg. 45,528 (2015), with interventions and protests due on or before August 7, 2015. M-S-R Public Power Agency, Powerex Corp., Northwest Requirements Utilities, Avista Corporation (Avista), Modesto Irrigation District, Pacific Northwest Generating Cooperative, Public Power Council, Transmission Agency of Northern California, PacifiCorp, Portland General Electric Company (Portland General Electric), Iberdrola, Puget Sound Energy, Inc. (Puget Sound), Renewable Northwest, and American Wind Energy Association (AWEA) all filed motions to intervene. Avista,<sup>28</sup> AWEA,<sup>29</sup> and Iberdrola filed comments or protests. Bonneville filed an answer to the comments and protests.

---

<sup>25</sup> *Id.* at 9-10.

<sup>26</sup> *Id.* at 10-11.

<sup>27</sup> *Id.* at 1-2 (citing 18 C.F.R. § 381.108 (2015)).

<sup>28</sup> Avista filed joint comments with PacifiCorp, Portland General Electric, and Puget Sound.

<sup>29</sup> AWEA filed joint comments with Renewable Northwest.

**A. Comments and Protests**

16. Several protestors object to the permanent use of Bonneville's OMP. Avista argues that the Commission has not addressed Bonneville's implementation of the OMP rather than paying negative market prices as a permanent remedy to the oversupply problem.<sup>30</sup> Avista alleges that the OMP is not an equitable solution since it forces non-federal generation to accept federal power which would otherwise have to be sold at negative market prices. Avista avers that by refusing to pay negative market prices, Bonneville is not taking all reasonable actions to avoid excess spill. Avista argues that, to the extent all generation is displaced, Bonneville is effectively committed to violating environmental limits rather than paying negative market prices.<sup>31</sup>

17. Iberdrola also contends that the Commission has repeatedly directed Bonneville to work towards a permanent, mutually agreeable, long-term solution, noting that the Commission most recently stated that it continues "to find that the OMP remains necessary and appropriate until Bonneville, in coordination with stakeholders, develops a durable mechanism for managing oversupply events."<sup>32</sup> Iberdrola states that it appears Bonneville is treating the OMP as a long-term solution to its oversupply problem and notes that the Commission has previously used the temporary nature of the OMP as a comfort to protestors.<sup>33</sup>

18. AWEA argues that, while Bonneville has not had to use the OMP for the past three years, the last three years have been characterized by low amounts of hydro-electric generation and are not years where Bonneville would typically have oversupply events. AWEA further argues that, if the Commission accepts Bonneville's OMP permanently, Bonneville will have no incentive to continue to search for ways to minimize the use of the OMP.<sup>34</sup>

---

<sup>30</sup> Avista at 3-4.

<sup>31</sup> *Id.* at 5-15.

<sup>32</sup> Iberdrola at 8-9 (quoting February 2015 Rehearing Order, 150 FERC ¶ 61,113 at P 24).

<sup>33</sup> *Id.* at 9.

<sup>34</sup> AWEA at 6-7.

19. AWEA also argues that the OMP is undesirable because it curtails non-federal generation without imposing similar curtailments to federal generation. AWEA argues that accepting Bonneville's OMP on a permanent basis would absolve Bonneville of pursuing alternatives such as paying negative market prices.<sup>35</sup>

20. AWEA and Iberdrola argue that the OMP can only be found to be just and reasonable in conjunction with the oversupply rate. Iberdrola notes that Bonneville has to periodically revise its rates, including its oversupply rates, under the Northwest Power Act. Iberdrola argues that Bonneville's OMP cannot be considered permanently in compliance with the section 211A in isolation; rather it must be considered in conjunction with the periodic review of Bonneville's rates. Iberdrola proposes that the OMP's expiration should be tied to the expiration date of the oversupply rate.<sup>36</sup> AWEA argues that accepting the OMP on a permanent basis de-links the rate and non-rate aspects of the OMP, contrary to the Commission's directives. AWEA states that, if the OMP is accepted on a permanent basis, the Commission will not have the ability to evaluate the rate and non-rate aspects of the OMP together.<sup>37</sup>

21. Iberdrola and Avista object to Bonneville's cost allocation methodology. Iberdrola and Avista note that the Northwest Power Act prevents the allocation of fish and wildlife costs to transmission customers and instead directs those costs to be borne by Bonneville's power customers.<sup>38</sup> Iberdrola argues that oversupply costs under the OMP fall under this category of costs. Iberdrola notes that this issue is under litigation in the United States Court of Appeals for the Ninth Circuit (Ninth Circuit), and that the OMP should not become permanent prior to this litigation being completed.<sup>39</sup>

22. Avista similarly argues that oversupply conditions are not caused by transmission usage and are not a consequence of transmission open access.<sup>40</sup> Avista argues that, by labeling oversupply costs as displacement costs rather than categorizing them as negative power sales, the OMP impermissibly shifts power costs to transmission customers.

---

<sup>35</sup> *Id.* at 8.

<sup>36</sup> Iberdrola at 7-8.

<sup>37</sup> AWEA at 9-10.

<sup>38</sup> Iberdrola at 9-10; Avista at 9.

<sup>39</sup> Iberdrola at 9-10.

<sup>40</sup> Avista at 10.

Avista argues that this constitutes a subsidy to Bonneville's power rates by Bonneville's transmission customers.<sup>41</sup> Avista argues that, in doing so, Bonneville fails to provide transmission service on terms and conditions that are comparable to those it provides itself.<sup>42</sup>

23. Iberdrola argues that Bonneville improperly filed the OMP as a petition for declaratory order. Iberdrola argues that Bonneville's filing should have been made as an additional compliance filing in Docket No. EL11-44. Finally, Iberdrola argues that Bonneville did not make a reasoned explanation of why continued use of the OMP is justified, but merely asserted that because it was found comparable in the past, it should be found comparable now.<sup>43</sup>

### **B. Bonneville Answer**

24. In its answer, Bonneville argues that filing the rates and terms and conditions of the OMP together is unnecessary. Bonneville argues that removing the expiration date from the OMP does not prevent the Commission from evaluating both aspects of the OMP together. According to Bonneville, it files its oversupply rate every two years, and the Commission has the ability to review the rate along with the terms and conditions to determine whether the OMP continues to provide comparable service. Bonneville states that there is no need for it to continually refile terms and conditions that the Commission has found to be comparable.<sup>44</sup>

25. Bonneville states that it has worked toward a mutually agreeable solution for several years, but has not found one. Bonneville states the OMP does not foreclose such a solution but argues that the OMP is a necessary backstop to manage oversupply events. In response to arguments that it should abandon the OMP and instead charge negative prices. Bonneville notes that the Commission has found that negative prices are not necessary for Bonneville to provide comparable transmission service.<sup>45</sup>

---

<sup>41</sup> *Id.* at 10-11.

<sup>42</sup> *Id.* at 12-13.

<sup>43</sup> Iberdrola at 11.

<sup>44</sup> Bonneville Answer at 2-3.

<sup>45</sup> *Id.* at 3-4 (citing February 2015 Rehearing Order, 150 FERC ¶ 61,113 at P 24).

26. Bonneville argues that cost allocation objections raised by protestors are beyond the scope of this proceeding. Bonneville argues that removal of the expiration date is irrelevant to cost allocation issues. Bonneville also notes that the Commission has already addressed and refuted arguments against Bonneville's allocation of oversupply costs.<sup>46</sup>

27. Bonneville states that a petition for declaratory order is appropriate since it attempts to terminate a controversy and resolve uncertainty. Bonneville states that it does not dispute the Commission's jurisdiction under section 211A, and will ask for the Commission's determination under section 211A as to whether any changes it makes to the OMP are comparable.<sup>47</sup>

### **III. Discussion**

#### **A. Procedural Matters**

28. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2015), the timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.

29. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2015), prohibits an answer to a protest unless otherwise ordered by the decisional authority. We will accept Bonneville's answer because it has provided information that assisted us in our decision-making process.

#### **B. Substantive Matters**

30. We will grant Bonneville's petition for declaratory order. As the Commission previously found, Bonneville's OMP will result in comparable transmission service when coupled with a cost allocation methodology that equitably allocates oversupply costs. While the Commission initially accepted Bonneville's proposal as an interim measure to combat oversupply issues, we now agree with Bonneville that the OMP need not have a specific expiration date.

31. In the 2012 Compliance Order, when the Commission emphasized the interim nature of OMP, the Commission was faced with the prospect of involuntary curtailments of wind generation being a frequent, regular, and yearly feature of Bonneville's operation

---

<sup>46</sup> *Id.* at 4-5.

<sup>47</sup> *Id.* at 5-6.

of the transmission system. Since that time, Bonneville has implemented a number of practices to reduce its reliance on the OMP.<sup>48</sup> Bonneville maintains that these alternative measures have been successful at reducing or eliminating the need to resort to the OMP, noting that the OMP has not been used since 2012.<sup>49</sup> In light of these changes, we find that Bonneville's OMP can reasonably be regarded as part of a permanent solution,<sup>50</sup> along with Bonneville's continuing efforts to better manage its transmission system. This is bolstered by the benefits of long-term certainty for the parties.

32. We agree with protestors that both the rate and non-rate aspects of Bonneville's OMP need to be acceptable for the OMP to continue to be found comparable under section 211A. However, it is not necessary for Bonneville to re-file the non-rate terms and conditions of the OMP to appropriately evaluate the oversupply rate. In the initial order conditionally accepting the OMP, the Commission was able to find that the OMP resulted in comparable transmission service conditioned on Bonneville making a future compliance filing where it proposed a cost allocation methodology for oversupply costs that, coupled with non-rate terms and conditions of the OMP, resulted in comparable transmission service.<sup>51</sup> The Commission did not direct Bonneville to re-file the non-rate OMP terms and conditions in the required compliance filing. The Commission therefore

---

<sup>48</sup> Specifically, Bonneville noted that it had: (1) rescheduled non-essential outages; (2) shifted generation from Willamette River dams to dams on the Columbia River, thereby increasing the amount of Columbia River water that could be run through generation rather than being spilled; (3) encouraged voluntary displacement; (4) increased exports by purchasing additional intertie capacity; (5) found new sources of non-spinning reserve; (6) implemented a spill exchange between Bonneville and non-federal generation; and (7) cleared additional non-treaty storage space as a result of coordination with BC Hydro. *See* Bonneville March 1, 2013 Revised OMP Proposal.

<sup>49</sup> While protestors argue that this improvement has been due to unusually low hydro conditions that have persisted over the past three years, the evidence offered by protestors does not bear out this conclusion. It is true that 2015 appears to be a low hydro year, but the years from 2012 to 2014 appear to be consistent with the "30 year normal," with some months having above-normal flow and some months having below-normal flow. *See* National Oceanic and Atmospheric Administration, Northwest River Forecast Center, *Monthly Runoff Information*, [http://www.nwrfc.noaa.gov/water\\_supply/ws\\_normals.cgi?id=TDAO3](http://www.nwrfc.noaa.gov/water_supply/ws_normals.cgi?id=TDAO3).

<sup>50</sup> We also note that Bonneville has committed to continue exploring mutually agreeable alternatives to involuntary curtailments. Bonneville Answer at 3-4.

<sup>51</sup> 2012 Compliance Order, 141 FERC ¶ 61,234 at P 46.

found that it was sufficient to evaluate the rate and non-rate aspects of Bonneville's OMP sequentially, and that there was no need to consider them simultaneously.

33. Similarly here, we accept the OMP without an expiration date. The Commission has already found that a cost allocation methodology based on the scheduled usage of the transmission system combined with the non-rate terms and conditions of the OMP results in comparable transmission service.<sup>52</sup> To the extent Bonneville alters this cost allocation methodology, it must make a filing demonstrating that the new cost allocation methodology combined with the non-rate terms and conditions of the OMP accepted here results in comparable transmission service under section 211A. Bonneville also has a continuing obligation to file its oversupply rate with the Commission. The Commission will monitor Bonneville's oversupply rate to ensure that it continues to provide all parties with comparable transmission service.

34. Unlike under Bonneville's Environmental Redispatch Policy, Bonneville must pay a portion of the oversupply costs, which provides an incentive to avoid using the OMP. The OMP also contains a list of actions that Bonneville must pursue before implementing the OMP. These terms serve to encourage Bonneville to pursue alternatives to the OMP. In addition, protestors would like Bonneville to use negative prices to resolve its oversupply situations. However, Bonneville has been unwilling to implement negative pricing, and the Commission has declined to require them to do so. This impasse is unlikely to be resolved by further filings of the OMP.

35. Avista and Iberdrola argue that oversupply costs are improperly allocated to transmission customers. However, the Commission has already found that oversupply costs are properly allocated to Bonneville's transmission customers.<sup>53</sup> The Commission also found no merit in the position that the allocation of oversupply costs based on scheduled use of the transmission system resulted in non-comparability. Unlike the OMP, the Commission's finding on Bonneville's cost allocation methodology in the October 2014 Order did not have an expiration date. Therefore, protestors' arguments are a collateral attack on the October 2014 Order and the February 2015 Rehearing Order, and we will not address them here.<sup>54</sup>

---

<sup>52</sup> October 2014 Order, 149 FERC ¶ 61,044 at P 40.

<sup>53</sup> October 2014 Order, 149 FERC ¶ 61,044 at P 40.

<sup>54</sup> Similarly, the fact that the Ninth Circuit is considering the issue does not preclude the Commission from acting on the issues presently before us.

36. We agree with Bonneville that the OMP was permissibly filed as a petition for declaratory order. Bonneville is not disputing the Commission's jurisdiction under section 211A, and its filing in this docket has provided all interested parties with sufficient notice to comment.

37. Finally, we agree with Bonneville's petition for an exemption from the filing fee, and, accordingly, grant it.

The Commission orders:

Bonneville's petition for declaratory order is hereby granted and Bonneville's revised OMP is hereby accepted without an expiration date, as discussed in the body of this order.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.