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November 22, 2016

VIA ELECTRONIC FILING

The Honorable Kimberly D. Bose Secretary Federal Energy Regulatory Commission 888 First Street, N.E. Washington, D.C. 20426

Re: Midcontinent Independent System Operator, Inc.'s and MISO Transmission Owners' Compliance Filing for Order No. 1000, Regarding Interregional Coordination with PJM, Docket No. ER13-1943, *et al*

Dear Secretary Bose:

In compliance with the requirements of the Federal Energy Regulatory Commission's ("FERC" or "Commission") October 28, 2016 Order on Rehearing and Compliance ("October 28 Order"), the Midcontinent Independent System Operator, Inc. ("MISO") and the MISO Transmission Owners² (collectively with MISO, the "Filing Parties") submit for filing proposed revisions to the Joint Operating Agreement between MISO and PJM Interconnection, LLC ("JOA") regarding Order No. 1000's interregional planning and cost allocations requirements, as applicable to MISO and PJM.

¹ Midcontinent Independent System Operator, Inc., et al., 157 FERC ¶ 61,065 (October 28, 2016).

² The MISO Transmission Owners for this filing consist of: Ameren Services Company, as agent for Union Electric Company d/b/a Ameren Missouri, Ameren Illinois Company d/b/a Ameren Illinois and Ameren Transmission Company of Illinois; Arkansas Electric Cooperative Corporation; Big Rivers Electric Corporation; Central Minnesota Municipal Power Agency; City Water, Light & Power (Springfield, IL); Cleco Power LLC; Cooperative Energy; Dairyland Power Cooperative; East Texas Electric Cooperative; Entergy Arkansas, Inc.; Entergy Louisiana, LLC; Entergy Mississippi, Inc.; Entergy New Orleans, Inc.; Entergy Texas, Inc.; Great River Energy; Hoosier Energy Rural Electric Cooperative, Inc.; Indianapolis Power & Light Company; MidAmerican Energy Company; Minnesota Power (and its subsidiary Superior Water, L&P); Missouri River Energy Services; Montana-Dakota Utilities Co.; Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, subsidiaries of Xcel Energy Inc.; Northwestern Wisconsin Electric Company; Otter Tail Power Company; Prairie Power Inc.; Southern Illinois Power Cooperative; Southern Indiana Gas & Electric Company (d/b/a Vectren Energy Delivery of Indiana); Southern Minnesota Municipal Power Agency; Wabash Valley Power Association, Inc.; and Wolverine Power Supply Cooperative, Inc.

PJM, MISO, the MISO Transmission Owners and the PJM Transmission Owners have reached full agreement on all points at issue in this compliance filing and have collaborated in drafting their respective transmittal letters. Accordingly, those parties are hereby submitting (by two separate filings being made contemporaneously) parallel tariff language to comply with the October 28 Order.

I. BACKGROUND

On April 5, 2016, the Commission issued an order conditionally accepting, subject to further compliance, the latest in a series of proposed revisions to the JOA made by the Filing Parties and PJM to comply with the interregional transmission coordination and cost allocation requirements of Order No. 1000.³ The April 5 Order directed MISO and PJM to revise the JOA to (1) restore the existing Cross-Border Baseline Reliability Project ("CBBRP") category and cost allocation methodology; (2) clarify how the benefits of Interregional Reliability Projects ("IRPs") and Interregional Public Policy Projects will be quantified; (3) clarify the criteria for IRP and Interregional Public Policy Project designations; and (4) revise the cost allocation for Interregional Market Efficiency Projects ("MEPs") to make transparent the types of transmission facilities that will be considered in the benefit metric calculation.⁴

On June 20, 2016, the Filing Parties and PJM submitted compliance filings including parallel tariff language to address the directives of the April 5 Order. The October 28 Order accepts these changes to the JOA, subject to further compliance. With respect to IRPs and Interregional Market Efficiency Projects, the October 28 Order finds that although the proposed revisions to the to the avoided cost calculation criteria for both of these Interregional Transmission Project categories partially comply with the Commission's directives, further revision to the JOA are needed to appropriately capture all MISO Multi-Value Projects ("MVPs") included in the avoided cost calculation and to ensure consistency with the MISO Tariff. Similarly, with respect to Interregional Market Efficiency Projects, the October 28 Order finds that further revisions to the JOA are needed to appropriately define the types of MVPs that will be included in the project criteria consistent with the MISO Tariff. Finally, the October 28 Order accepts the proposal to use the IRP cost allocation method for interregional transmission projects that could qualify as either an IRP and a CBBRP and directs MISO and PJM to revise the JOA to make clear when the CBBRP cost allocation method will apply and when the IRP cost allocation method will apply and when the IRP

³ PJM Interconnection, L.L.C., 155 FERC ¶ 61,008 at PP 52-53, 61 (2016) ("April 5 Order").

⁴ See id. at PP 27, 51-54, 61.

⁵ See PJM Interconnection, L.L.C., Docket No. ER13-1944-004, Order No. 1000 Interregional Compliance Filing (filed June 20, 2016) ("Filing Parties June 2016 Filing"); *Midcontinent Indep. Sys. Operator, Inc.*, Compliance Filing for Order No. 1000, Regarding Interregional Coordination with PJM, Docket No. ER13-1943-005 (filed June 20, 2016).

⁶ See October 28 Order at PP 37-44.

⁷ See id. at PP 45-47.

⁸ See id. at P 62.

The Filing Parties therefore submit the instant compliance filing to address each of the Commission's findings and to provide the most current, approved version of Section 9.4 of the JOA. Pursuant to the December 18, 2014 order in the captioned dockets ("December 18 Order"), this compliance filing, if approved, is to be made effective January 1, 2014. 9

II. COMPLIANCE WITH THE DIRECTIVES OF THE OCTOBER 28 ORDER

The Filing Parties address each of the directives from the October 28 Order below:

A. Revisions to Criteria for Interregional Reliability Projects

The October 28 Order found that the Filing Parties' and PJM's proposed revisions to JOA section 9.4.1.2, stating "Reliability projects in the MISO regional transmission planning process include Baseline Reliability Projects and, to the extent the project driver is reliability, Multi-Value Projects", partially complied with the Commission's directive in the April 5 Order to make clear that "reliability projects" used in the avoided cost calculation for IRPs include MISO's MVPs and Baseline Reliability Projects. However, the October 28 Order found that these proposed revisions defined the eligible MVPs too narrowly by not accounting for projects that satisfy MVP Criterion 3 under MISO's Tariff through a combination of drivers that include reliability. Accordingly, the October 28 Order directed MISO and PJM to revise JOA section 9.4.3.1.2 to state that "Reliability projects in the MISO regional transmission planning process include Baseline Reliability Projects and Multi-Value Projects that meet Criterion 3 according to MISO's Tariff. See MISO, FERC Electric Tariff, Attachment FF, § II.C.2(a)-(c) (49.0.0)."

The Filing Parties and PJM have complied with this directive by revising the last paragraph of JOA section 9.4.3.1.2 to state, in pertinent part:

Reliability projects in the MISO regional transmission planning process include Baseline Reliability Projects and, to the extent the project driver is reliability, Multi-Value Projects that meet Criterion 3 according to MISO's OATT. MISO and PJM will quantify the benefits of an Interregional Reliability Project based upon the total avoided costs of regional transmission projects included in the thencurrent regional transmission plan that would be displaced if the proposed Interregional Reliability Project was included in the plan.

The Filing Parties and PJM submit that these revisions fully comply with the Commission's directives.

 $^{^9}$ PJM Interconnection, L.L.C., 149 FERC \P 61,250 at P 41 (2014).

¹⁰ October 28 Order at P 37.

¹¹ *Id.* at PP 37, 40.

B. Revisions to Criteria for Interregional Public Policy Projects

The October 28 Order found that the Filing Parties' and PJM's proposed revisions to JOA section 9.4.3.1.4 partially complied with the Commission's directive in the April 5 Order to make it clear that "public policy projects" used in the avoided cost calculation for Interregional Public Policy Projects include MVPs in MISO and both economic and reliability projects in PJM. However, the October 28 Order found that these proposed revisions defined eligible MVPs too narrowly by not accounting for projects that satisfy MVP Criterion 1 under MISO's Tariff through a combination of drivers that include public policy. Accordingly, the October 28 Order directed MISO and PJM to revise JOA section 9.4.3.1.4 to state that

Public policy projects in the MISO regional transmission planning process include Multi-Value Projects that meet Multi-Value Project Criterion 1 under the terms of Attachment FF to MISO's OATT. Public policy projects in the PJM regional transmission planning process include both economic and reliability projects.¹⁴

The Filing Parties and PJM have complied with this directive by revising a portion of JOA section 9.4.3.1.4 to state, in pertinent part:

Public policy projects in the MISO regional transmission planning process include, to the extent that the project driver is public policy, Multi-Value Projects that meet Multi-Value Project Criterion 1 under the terms of Attachment FF to MISO's OATT. Public policy projects in the PJM regional transmission planning process include both economic and reliability projects. ¹⁵

The Filing Parties and PJM and submit that these revisions fully comply with the Commission's directives.

C. Revisions to Criteria for Interregional Market Efficiency Projects

The Commission found that the Filing Parties' and PJM's proposed revisions to the JOA partially complied with the requirement to allow an Interregional Market Efficiency Project to qualify as a MEP or an MVP under Attachment FF of MISO's Tariff. However, the October 21 Order found that that the Filing Parties' and PJM's proposed revisions defined the eligible MVPs too narrowly by not accounting for projects that satisfy MVP Criterion 2 or Criterion 3 under MISO's Tariff through a combination of drivers that includes economics. Accordingly,

¹² *Id.* at P 43.

¹³ *Id.* at PP 43-44.

¹⁴ *Id.* at P 44.

¹⁵ See, Tabs A-C at JOA § 9.4.3.1.4.

¹⁶ October 28 Order at P 46.

¹⁷ *Id.* at PP 46-47.

the October 28 Order directed MISO and PJM to revise JOA section 9.4.3.1.3 to state that Interregional Market Efficiency Projects must meet the following criteria: "(iv) . . . also qualifies as a Market Efficiency Project or a Multi-Value Project that meets Multi-Value Project Criterion 2 or Criterion 3 under the terms of Attachment FF of the Midwest ISO OATT."

The Filing Parties and PJM have complied with this directive by revising paragraph (iv) of JOA section 9.4.3.1.3 to state, in pertinent part:

qualifies as an economic transmission enhancement or expansion under the terms of the PJM RTEP and also qualifies as a Market Efficiency Project or, to the extent that the project driver is economics, a Multi-Value Project that meets Multi-Value Project Criterion 2 or Criterion 3 under the terms of Attachment FF of the Midwest ISO OATT (including all applicable threshold criteria), provided that any minimum Project Cost threshold required to qualify a project under either the PJM RTEP or Midwest ISO OATT shall apply the Project Cost of the Interregional Market Efficiency Project and not the allocated cost; and 19

The Filing Parties and PJM submit that these revisions fully comply with the Commission's directives.²⁰

(including all applicable threshold criteria), provided that any minimum Project Cost threshold required to qualify a project under either the PJM RTEP or Midwest ISO OATT shall apply the Project Cost of the Interregional Market Efficiency Project and not the allocated cost; and...

The Commission did not discuss this language in the October 28 Order or direct MISO and PJM to remove it. However, a formalistic reading of the Commission's use of a period instead of an ellipsis at the end of the quoted language in Paragraph 47 could suggest a directive to remove this language and end Section 9.4.3.1.3. The omitted language was preexisting in the JOA as accepted and effective, and it was present in the JOA sheets submitted with the first filing in this docket on July 7, 2013 (then included in Section 9.4.3.1.2). The Filing Parties and PJM do not believe that the Commission intended its use of a period in paragraph 47 to function as a directive to remove this language direct that this language be removed. Accordingly, the Filing Parties and PJM have not proposed to remove this language on compliance.

¹⁸ *Id.* at P 47.

¹⁹ *See* Tabs A-C at JOA § 9.4.3.1.3.

²⁰ The Filing Parties and PJM note that Paragraph 47 of the October 28 Order requires MISO and PJM to revise JOA section 9.4.3.1.3 to include specific language that the Commission recites in quotation marks: "(iv) . . . also qualifies as a Market Efficiency Project or a Multi-Value Project that meets Multi-Value Project Criterion 2 or Criterion 3 under the terms of Attachment FF of the Midwest ISO OATT." The Filing Parties and PJM have included this quoted language, as directed. However, JOA Section 9.4.3.1.3 does not end with the quoted language. This section contains preexisting additional text after the quotation stating:

D. Revisions to the Cost-Allocation Method for Cross-Border Baseline Reliability Projects

The October 28 Order found that the Filing Parties and PJM complied with the April 5 Order's directive to restore the CBBRP provisions to JOA section 9.4.3.1.1 and the CBBRP cost allocation provisions to JOA section 9.4.3.2.1.²¹ The October 28 Order also accepted MISO and PJM's proposal to use the IRP cost allocation method for interregional transmission projects that qualify as both an IRP and a CBBRP and to use the CBBRP cost allocation method only projects that qualify as CBBRP but not as IRPs.²² However, the October 28 Order found that the Filing Parties and PJM did not propose JOA language to implement this proposal.²³ Accordingly, the October 28 Order directed MISO and PJM to submit revisions to the JOA to make clear when the CBBRP cost allocation method will apply and when the IRP cost allocation method will apply.²⁴

The Filing Parties and PJM have complied with this directive by proposing to add new subsection (c) to Section 9.4.3.2.1 of the JOA, which clarifies that the costs for an IRP meeting the criteria of both a CBBRP and an IRP will be allocated pursuant to the IRP cost allocation method:

(c) <u>Method for Projects that Also Qualify As Interregional Reliability Projects:</u>
For an Interregional Project that meets the criteria of both a CBBRP under Section 9.4.3.1.1 and an Interregional Reliability Project under Section 9.4.3.1.2, the cost will be allocated in accordance with the methodology set forth in Section 9.4.3.2.2.²⁵

The Filing Parties and PJM submit that these revisions fully comply with the Commission's directives.

²¹ October 28 Order at P 62.

²² *Id*.

 $^{^{23}}$ *Id*.

²⁴ *Id*.

²⁵ See Tabs A-C at JOA § 9.4.3.2.1(c).

III. REQUEST FOR WAIVER

The Filing Parties make this filing in compliance with the Commission's directives in the October 28 Order. By making this filing in compliance with the October 28 Order, the Filing Parties understand that they have hereby satisfied any of the Commission's filing requirements that might apply. Should any of the Commission's regulations (including filing regulations) or requirements that we may not have addressed be found to apply, the Filing Parties respectfully request waiver of any such regulation or requirement.

IV. SERVICE

MISO has served a copy of this filing electronically, including attachments, upon all persons listed on the Commission's service list for the above-referenced proceeding, Tariff Customers, MISO Members, Member representatives of Transmission Owners and Non-Transmission Owners, MISO Advisory Committee participants, as well as all state commissions within the Region, and the Organization of MISO States. In addition, the filing has been posted at https://www.misoenergy.org/Library/FERCFilingsOrders/Pages/FERCFilings.aspx on MISO's website, for other interested parties in this matter.

V. SUPPORTING DOCUMENTS

In addition to this Transmittal Letter, the following documents are submitted with this filing:

- Tab A Redlined Version of JOA Sheets effective 1/1/2014²⁶
- Tab B Clean Version of JOA Sheets effective 1/1/2014
- Tab C Clean Version of JOA Sheets effective 2/8/2016, 5/30/2016, and 8/22/2016²⁷

VI. PROPOSED EFFECTIVE DATE

The Filing Parties respectfully request that the proposed JOA revisions be made effective January 1, 2014, consistent with the effective date ordered in the December 18 Order.

²⁶ The Tariff sheets contained in Tab A reflect a January 1, 2014 effective date. Accordingly, MISO has omitted language that has a proposed future effective date.

²⁷ The Tariff sheets contained in Tab C reflect effective dates after 1/1/2014 and include all Tariff language effective through that date, including language pending in Docket No. ER16-1969-000. MISO requests that the Commission treat such pending language in Docket No. ER16-1969-000 as subject to the outcome of those pending proceedings. MISO commits to file any revisions to the pending language as necessary to comply with any Commission orders in Docket No. ER16-1969-000.

VII. CORRESPONDENCE AND COMMUNICATIONS

Correspondence and communications with respect to this filing should be sent to the following persons, who shall also be authorized to receive notice in this docket:

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VIII. CONCLUSION

Wherefore, the Filing Parties respectfully request that the Commission accept this compliance filing and proposed JOA revisions, effective January 1, 2014.

Sincerely,

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9.4 Allocation of Costs of Network Upgrades.

9.4.1 <u>Network Upgrades Associated with Interconnections.</u>

When under Section 9.3.3 it is determined that a generation or merchant transmission interconnection to a Party's system will have an impact on the Affected System such that Network Upgrades shall be made, the upgrades on the Affected System shall be paid for in accordance with the terms and conditions of the Party's OATT.

9.4.2 <u>Network Upgrades Associated with Transmission Service Requests.</u>

When under Section 9.3.4 it is determined that the granting of a long-term firm delivery service request with respect to a Party's system will have an impact on the Affected System such that Network Upgrades shall be made, the upgrades on the Affected System shall be paid for in accordance with the terms and conditions of the Party's OATT.

9.4.3 Network Upgrades Under Coordinated System Plan.

The Coordinated System Plan will identify Interregional Projects as: (i) Cross-Border Baseline Reliability Projects ("CBBRP"), (ii) Interregional Reliability Projects, (iii) Interregional Market Efficiency Projects, and (iv) Interregional Public Policy Projects. Consistent with the applicable OATT provisions, the Coordinated System Plan will designate the portion of the Interregional Project Cost for each such project that is to be allocated to each RTO on behalf of its Market Participants. The JRPC will determine an allocation of costs to each RTO for such Network Upgrades based on the procedures described below. The proposed allocation of costs will be reviewed with the IPSAC and the appropriate multi-state entities and posted on the internet web site of the two RTOs. Stakeholder input will be solicited and taken into consideration by the JRPC in arriving at a consensus allocation of costs.

9.4.3.1 Criteria for Project Designation as an Interregional Project:

Interregional Projects must be: (1) physically located in both the MISO region and the PJM region or (2) physically located wholly in one transmission planning region but jointly determined and agreed upon to provide benefits to the other transmission planning region or both transmission planning regions. These Interregional Projects will be designated in accordance with the following criteria:

9.4.3.1.1 Cross-Border Baseline Reliability Project Criteria:

Projects that meet all of the following criteria will be designated as CBBRPs:

- (i) by agreement of the JRPC, the project is needed to efficiently meet applicable reliability criteria;
- (ii) the project must be a baseline reliability project as defined under the MISO or PJM Tariffs.

9.4.3.1.2 Interregional Reliability Project Criteria:

An Interregional Reliability Project must:

- (i) be selected both in the MISO and PJM regional planning processes and be eligible for each region's cost allocation process; and
- (ii) by agreement of the JRPC, displace one or more reliability projects in either or both PJM and MISO as defined in their respective tariffs and more efficiently or cost-effectively meet applicable reliability criteria than the displaced reliability project(s).

Through their respective regional planning processes, PJM and MISO respectively will evaluate proposals to determine whether the proposed Interregional Reliability Project(s) addresses reliability needs that are currently being addressed with reliability projects in its regional transmission planning process and, if so, which reliability projects in that regional transmission planning process could be displaced by the proposed Interregional Reliability Project. Reliability projects in the MISO regional transmission planning process include Baseline Reliability Projects and , to the extent the project driver is reliability, Multi-Value Projects that meet Criterion 3 according to MISO's OATT. MISO and PJM will quantify the benefits of an Interregional Reliability Project based upon the total avoided costs of regional transmission projects included in the thencurrent regional transmission plan that would be displaced if the proposed Interregional Reliability Project was included in the plan.

9.4.3.1.3 Interregional Market Efficiency Project Criteria:

Interregional Market Efficiency Projects must meet the following criteria:

- (i) has an estimated Project Cost of \$20,000,000 or greater;
- (ii) is evaluated as part of a Coordinated System Plan or joint study process, as described in Section 9.3.5 of the JOA;
- (iii) meets the threshold benefit to cost ratio as prescribed under the terms of, and using the benefit and cost measures prescribed under Section 9.4.3.1.2.1 of the JOA;
- (iv) qualifies as an economic transmission enhancement or expansion under the terms of the PJM RTEP and also qualifies as a Market Efficiency Project or, to the extent the project driver is economics, a Multi-Value Project that meets Multi-Value Project Criterion 2 or Criterion 3 under the terms of Attachment FF of the Midwest ISO OATT (including all applicable threshold criteria), provided that any minimum Project Cost threshold required to qualify a project under either the PJM RTEP or Midwest ISO OATT shall apply the Project Cost of the Interregional Market Efficiency Project and not the allocated cost; and

(v) addresses one or more constraints for which at least one dispatchable generator in the adjacent market has a GLDF of 5% or greater with respect to serving load in that adjacent market, as determined using the Coordinated System Plan power flow model.

9.4.3.1.3.1 Determination of Benefits to Each RTO from an Interregional Market Efficiency Project:

The RTOs shall jointly evaluate the benefits to the combined Midwest ISO and PJM markets, and to each market individually, by evaluating multiple metrics using a multi-year analysis to determine whether a proposed project qualified as an Interregional Market Efficiency Project. The RTOs shall perform this evaluation as follows:

(a) The RTOs shall utilize a benefit metric to analyze the anticipated annual economic benefits of construction of a proposed Interregional Market Efficiency Project to Transmission Customers of each RTO. Benefits are measured for a project by the estimated change in the benefit metric with and without the incorporation of the proposed project. The benefit metric is based upon the impact of the project on:

(1) APC (adjusted to account for purchases and sales) and (2) NLP. The benefit metric for each RTO shall be developed by weighting the APC benefit and the NLP benefit. The benefit metric shall be calculated as the sum of seventy percent (70%) times the change in APC benefit for each RTO plus thirty percent (30%) times the change in NLP benefit for each RTO where the change in APC and NLP is calculated by subtracting the APC and NLP values determined without the proposed Interregional Market Efficiency Project:

Benefit Metric = (70% of change in APC + 30% of change in NLP)

The APC for each RTO represents each RTO's production costs adjusted for interchange purchases and sales. For each simulation hour in which an RTO is selling interchange, the APC shall be calculated by multiplying the interchange sales MW times the RTO's generation-weighted LMP and then subtracting this value from the RTO's production cost. For each simulation hour in which an RTO is purchasing interchange, the APC shall be calculated by multiplying the interchange purchase MW times the RTO's load-weighted LMP and then adding this value to the RTO's production cost.

The NLP benefit for each RTO represents each RTO's gross load payment minus the estimated value of congestion-hedging transmission rights in each RTO. The NLP shall be calculated by multiplying the LMP at each modeled load bus in the RTO by the load

(in MW) at the bus, for each simulation hour (load LMP * load (in MW)), and then subtracting from that product the estimated value of congestion-hedging transmission rights for that hour. For each simulation hour, the value of an RTO's transmission rights shall be calculated by subtracting the RTO generation-weighted LMP from the RTO load-weighted LMP and then multiplying this difference times the lower of the RTO's total generation MW level or the RTO's total load MW level.

The benefit metric shall be calculated for each RTO for each year of simulation. Benefits for intermediate years between simulated years will be based on interpolation. The annual benefit for an Interregional Market Efficiency Project shall be determined as the sum of the benefit values for each RTO. The total project benefit shall be determined by calculating the present value of annual benefits for, at a minimum, the first ten years of project life after the projected inservice year, with a maximum planning horizon of 20 years from the current year.

(b) The RTOs shall employ a threshold benefits-to-costs ratio test to evaluate a potential Interregional Market Efficiency Project. Only projects that meet the benefits-to-costs ratio threshold shall be designated as an Interregional Market Efficiency Project. The costs applied in the benefits-to-costs ratio shall be the present value, over the same period for which the project benefits are determined, of the annual revenue requirements for the project. The annual revenue requirements for the Interregional Market Efficiency Project are determined from the estimated Interregional Market Efficiency Project installed costs and the fixed charge rate applicable to the constructing transmission owner(s).

The benefits-to-costs ratio threshold for a project to qualify as an Interregional Market Efficiency Project shall be 1.25 to 1. To determine the present value of the annual benefits and costs, the discount rate shall be based on the transmission owners' most recent after-tax embedded cost of capital weighted by each transmission owner's total transmission capitalization. Each transmission owner shall provide the RTOs with the transmission owner's most recent after-tax embedded cost of capital, total transmission capitalization, and levelized carrying charge rate, including the recovery period. The recovery period shall be consistent with recovery periods allowed by FERC for comparable facilities.

(c) Using the cost allocated to each RTO pursuant to Section 9.4.3.2.2 of the JOA, and the Coordinated System Plan model, including using the same simulation years, each RTO will evaluate the project using its internal criteria to determine if it qualifies as an economic transmission

enhancement or expansion under the terms of the PJM RTEP and also qualifies as a market efficiency project under the terms of Attachment FF of the Midwest ISO OATT.

9.4.3.1.4 Interregional Public Policy Project Criteria:

Interregional Public Policy Projects must meet the following criteria:

- (i) be selected both in the MISO and PJM regional planning processes and be eligible for each region's cost allocation process; and
- (ii) by agreement of the JRPC, displace one or more regional projects addressing public policy in MISO or one or more public policy projects in PJM as defined in their respective tariffs and more efficiently or cost-effectively meet applicable public policy criteria than the displaced regional project(s).

Through their respective regional planning processes, PJM and MISO respectively will evaluate proposals to determine whether the proposed Interregional Public Policy Project(s) addresses public policy needs that are currently being addressed with public policy projects in its regional transmission planning process and, if so, which public policy projects in that regional transmission planning process could be displaced by the proposed Interregional Public Policy Project. Public policy projects in the MISO regional transmission planning process include, to the extent that the project driver is public policy, Multi-Value Projects that meet Multi-Value Project Criterion 1 under the terms of Attachment FF to MISO's OATT. Public policy projects in the PJM regional transmission planning process include both economic and reliability projects. MISO and PJM will quantify the benefits of an Interregional Public Policy Project based upon the total avoided costs of regional transmission projects included in the then-current regional transmission plan that for the purposes of cost allocation would be displaced if the proposed Interregional Public Policy Project was included in the plan.

9.4.3.2 Interregional Project Benefits and Shares:

The Coordinated System Plan shall designate the share of the Project Cost to be allocated to each RTO as set forth in the following subsections:

9.4.3.2.1 Cost Allocation for Cross-Border Baseline Reliability Projects

(a) **Method for Thermal Constraints:** The Coordinated System Plan shall designate the share of the Project Cost to be allocated to each RTO based on the relative contribution of the combined Load of each RTO to loading on the constrained facility requiring the need for the CBBRP. The loading contribution will be pre-determined using a joint RTO planning model developed and agreed to by the planning staffs of both RTOs. This model will form the basecase from which reliability

needs on the combined systems will be determined for the Coordinated System Plan. The model, adjusted for the conditions driving the upgrade needs, will be used to calculate the DFAX for cost allocation purposes for each RTO, using a source of the aggregate of RTO generation (network resources) for each RTO to a sink of all Loads within that RTO. The DFAX is the appropriate distribution factor for the condition causing the upgrade; OTDF for contingency condition flow criteria violations, and PTDF for normal condition flow criteria violations. The DFAX calculation determines the MW flow impact attributable to each RTO on the constraint requiring the transmission system to be upgraded. The total load of each RTO for the condition modeled is multiplied by the DFAX associated with that RTO to determine the respective MW flow contribution of that RTO to the constraint. The RTOs will quantify the relative impact due to PJM's system and the relative impact due to the Midwest ISO's system and then will allocate between PJM and the Midwest ISO the load contributions to the reliability constraint on the system by calculating the relative impacts caused by each RTO. This methodology will determine the extent to which each RTO contributes to the need for a reliability upgrade consistent with the Coordinated System Plan modeling that determined the need for the upgrade. The Midwest ISO total load impacts will be allocated to the Midwest ISO and the PJM total load impacts will be allocated to PJM. PJM and the Midwest ISO will then reallocate their shares internally in accordance with their respective tariffs. By calculating the impacts in this manner, the RTOs will ensure that the relative contribution of each RTO (including both the aggravating and benefiting contributions of generation and load patterns within each RTO) to the need for a particular upgrade, is appropriately captured in the ensuing allocations, and that the allocation is consistent with the Coordinated System Plan modeling that determined the need for the upgrade.

(b) Method for Non-Thermal Constraints:

The JRPC will establish an interface, comprised of a number of transmission facilities, to serve as a surrogate for allocation of cost responsibility for non-thermal constraints. The interface will be established such that the aggregate flow on the interface best represents the non-thermal constraint which the CBBRP is proposed to alleviate. Allocation of cost responsibility for the non-thermal constraint will be determined by applying the procedures described in this Section to the interface serving as a surrogate for the constraint.

(c) Method for Projects that Also Qualify As Interregional Reliability Projects: For an Interregional Project that meets the criteria of both a CBBRP under Section 9.4.3.1.1 and an

Interregional Reliability Project under Section 9.4.3.1.2, the cost will be allocated in accordance with the methodology set forth in Section 9.4.3.2.2.

9.4.3.2.2 Cost Allocation for an Interregional Reliability Project:

The cost of an Interregional Reliability Project, selected in the regional transmission plans of both PJM and MISO, will be allocated as follows:

- (i) The share of the costs an Interregional Reliability Project allocated to a region will be determined by the ratio of the present value(s) of the estimated costs of such region's displaced reliability projects as agreed to by the RTOs to the total of the present value(s) of the estimated costs of the displaced reliability projects in both regions that have selected the Interregional Reliability Project in their respective regional plans.
- (ii) For purposes of this subsection, a displaced reliability project's estimated costs shall be determined by PJM and MISO in accordance with their respective procedures for defining project estimated costs. Notwithstanding the foregoing, both RTOs shall work to ensure that their cost estimates for displaced reliability projects are determined in a similar manner. The applicable discount rate(s) used for the MISO region shall be the discount rate proposed by the Transmission Owner that produces the cost estimate for the proposed project. The applicable discount rate(s) used for the PJM region shall be the discount rate included in the assumptions reviewed by the PJM Board of Managers each year for use in the economic planning process.
- (iii) Costs allocated to each region shall be further allocated within each region pursuant to the cost allocation methodology contained in each region's respective regional transmission planning process.

9.4.3.2.3 Cost Allocation for an Interregional Market Efficiency Project:

For Interregional Market Efficiency Projects that meet all of the qualifications in Section 9.4.3.1.2, the applicable project costs shall be allocated to the respective RTOs in proportion to the net present value of the total benefits calculated for each RTO pursuant to Section 9.4.3.1.2.1(a).

9.4.3.2.4 Cost Allocation for an Interregional Public Policy Project:

The cost of an Interregional Public Policy Project, selected in the regional transmission plans of both PJM and MISO, will be allocated as follows:

(i) The share of the costs for an Interregional Public Policy Project allocated to a region will be determined by the ratio of the present value(s)

of the estimated costs of such region's displaced public policy projects to the total of the present value(s) of the estimated costs of the displaced public policy projects in both regions that have selected the Interregional Public Policy Project in their respective regional plans.

- (ii) For purposes of this subsection, a displaced regional public policy project's estimated costs shall be determined by PJM and MISO in accordance with their respective procedures for defining project estimated costs. Notwithstanding the foregoing, both RTOs shall work to ensure that their cost estimates for displaced public policy projects are determined in a similar manner. The applicable discount rate(s) used for the MISO region shall be the discount rate developed by MISO for cost estimates for projects under review by the MISO Board of Directors. The applicable discount rate(s) used for the PJM region shall be the discount rate included in the assumptions reviewed by the PJM Board of Managers each year for use in the economic planning process.
- (iii) Costs allocated to each region shall be further allocated within each region pursuant to the cost allocation methodology contained in each region's respective regional transmission planning process.

9.4.3.3 Determination of Interregional Cost Allocation Share Outside of Coordinated System Plan:

Either RTO may request that a project be tested against the interregional cost allocation criteria during the interim periods between periodic formal releases of the Coordinated System Plan. The RTOs will conduct reviews between the formal cycles on at least an annual basis. Such tests will be performed on the best available joint planning model, as determined by the JRPC.

The joint planning model will be a minimum 5-year horizon case, modeling peak summer conditions, and will be developed by February of each year. It will be based on the current RTEP basecase for PJM and the current MTEP basecase for the Midwest ISO. The basecase developed by each RTO will be based on documented procedures, which, in turn, will guide the development of the joint RTO planning model. Any disputes that arise will be resolved through the dispute resolution procedures documented in Article XIV. Each year the model will be updated by the RTOs to include changes to long term firm transmission service, load forecast, topology changes, generation additions/retirements and any other relevant system changes that may have occurred since the previous years' basecase development. The joint RTO planning model will be available to any member of PJM or the Midwest ISO.

9.4.3.4 Cost Recovery of Interregional Allocation Shares:

Section 9.4 Allocation of Costs of Network Upgrades 35.0.0, 38.0.0

The cost recovery of any share of cost of an Interregional Project allocated to either RTO shall be recovered by each RTO according to the applicable tariff provisions of the RTO to which such cost recovery is allocated.

Effective On: January 1, 2014

9.4.3.5 Transmission Owners Filing Rights:

Nothing in this Section 9.4 shall affect or limit any Transmission Owners filing rights under Section 205 of the Federal Power Act as set forth in the applicable Tariffs and applicable agreements.

Effective On: January 1, 2014

9.4.3.6 Amendments:

The RTOs shall amend Article IX of this Agreement in accordance with the applicable tariffs and/or agreements.

TAB B

9.4 Allocation of Costs of Network Upgrades.

9.4.1 Network Upgrades Associated with Interconnections.

When under Section 9.3.3 it is determined that a generation or merchant transmission interconnection to a Party's system will have an impact on the Affected System such that Network Upgrades shall be made, the upgrades on the Affected System shall be paid for in accordance with the terms and conditions of the Party's OATT.

9.4.2 Network Upgrades Associated with Transmission Service Requests.

When under Section 9.3.4 it is determined that the granting of a long-term firm delivery service request with respect to a Party's system will have an impact on the Affected System such that Network Upgrades shall be made, the upgrades on the Affected System shall be paid for in accordance with the terms and conditions of the Party's OATT.

9.4.3 Network Upgrades Under Coordinated System Plan.

The Coordinated System Plan will identify Interregional Projects as: (i) Cross-Border Baseline Reliability Projects ("CBBRP"), (ii) Interregional Reliability Projects, (iii) Interregional Market Efficiency Projects, and (iv) Interregional Public Policy Projects. Consistent with the applicable OATT provisions, the Coordinated System Plan will designate the portion of the Interregional Project Cost for each such project that is to be allocated to each RTO on behalf of its Market Participants. The JRPC will determine an allocation of costs to each RTO for such Network Upgrades based on the procedures described below. The proposed allocation of costs will be reviewed with the IPSAC and the appropriate multi-state entities and posted on the internet web site of the two RTOs. Stakeholder input will be solicited and taken into consideration by the JRPC in arriving at a consensus allocation of costs.

9.4.3.1 Criteria for Project Designation as an Interregional Project:

Interregional Projects must be: (1) physically located in both the MISO region and the PJM region or (2) physically located wholly in one transmission planning region but jointly determined and agreed upon to provide benefits to the other transmission planning region or both transmission planning regions. These Interregional Projects will be designated in accordance with the following criteria:

9.4.3.1.1 Cross-Border Baseline Reliability Project Criteria:

Projects that meet all of the following criteria will be designated as CBBRPs:

- (i) by agreement of the JRPC, the project is needed to efficiently meet applicable reliability criteria;
- (ii) the project must be a baseline reliability project as defined under the MISO or PJM Tariffs.

9.4.3.1.2 Interregional Reliability Project Criteria:

An Interregional Reliability Project must:

- (i) be selected both in the MISO and PJM regional planning processes and be eligible for each region's cost allocation process; and
- (ii) by agreement of the JRPC, displace one or more reliability projects in either or both PJM and MISO as defined in their respective tariffs and more efficiently or cost-effectively meet applicable reliability criteria than the displaced reliability project(s).

Through their respective regional planning processes, PJM and MISO respectively will evaluate proposals to determine whether the proposed Interregional Reliability Project(s) addresses reliability needs that are currently being addressed with reliability projects in its regional transmission planning process and, if so, which reliability projects in that regional transmission planning process could be displaced by the proposed Interregional Reliability Project. Reliability projects in the MISO regional transmission planning process include Baseline Reliability Projects and Multi-Value Projects that meet Criterion 3 according to MISO's OATT. MISO and PJM will quantify the benefits of an Interregional Reliability Project based upon the total avoided costs of regional transmission projects included in the then-current regional transmission plan that would be displaced if the proposed Interregional Reliability Project was included in the plan.

9.4.3.1.3 Interregional Market Efficiency Project Criteria:

Interregional Market Efficiency Projects must meet the following criteria:

- (i) has an estimated Project Cost of \$20,000,000 or greater;
- (ii) is evaluated as part of a Coordinated System Plan or joint study process, as described in Section 9.3.5 of the JOA;
- (iii) meets the threshold benefit to cost ratio as prescribed under the terms of, and using the benefit and cost measures prescribed under Section 9.4.3.1.2.1 of the JOA;
- (iv) qualifies as an economic transmission enhancement or expansion under the terms of the PJM RTEP and also qualifies as a Market Efficiency Project or a Multi-Value Project that meets Multi-Value Project Criterion 2 or Criterion 3 under the terms of Attachment FF of the Midwest ISO OATT (including all applicable threshold criteria), provided that any minimum Project Cost threshold required to qualify a project under either the PJM RTEP or Midwest ISO OATT shall apply the Project Cost of the Interregional Market Efficiency Project and not the allocated cost; and

(v) addresses one or more constraints for which at least one dispatchable generator in the adjacent market has a GLDF of 5% or greater with respect to serving load in that adjacent market, as determined using the Coordinated System Plan power flow model.

9.4.3.1.3.1 Determination of Benefits to Each RTO from an Interregional Market Efficiency Project:

The RTOs shall jointly evaluate the benefits to the combined Midwest ISO and PJM markets, and to each market individually, by evaluating multiple metrics using a multi-year analysis to determine whether a proposed project qualified as an Interregional Market Efficiency Project. The RTOs shall perform this evaluation as follows:

(a) The RTOs shall utilize a benefit metric to analyze the anticipated annual economic benefits of construction of a proposed Interregional Market Efficiency Project to Transmission Customers of each RTO. Benefits are measured for a project by the estimated change in the benefit metric with and without the incorporation of the proposed project. The benefit metric is based upon the impact of the project on: (1) APC (adjusted to account for purchases and sales) and (2) NLP. The benefit metric for each RTO shall be developed by weighting the APC benefit and the NLP benefit. The benefit metric shall be calculated as the sum of seventy percent (70%) times the change in APC benefit for each RTO plus thirty percent (30%) times the change in NLP benefit for each RTO where the change in APC and NLP is calculated by subtracting the APC and NLP values determined without the proposed Interregional Market Efficiency Project:

Benefit Metric = (70% of change in APC + 30% of change in NLP)

The APC for each RTO represents each RTO's production costs adjusted for interchange purchases and sales. For each simulation hour in which an RTO is selling interchange, the APC shall be calculated by multiplying the interchange sales MW times the RTO's generation-weighted LMP and then subtracting this value from the RTO's production cost. For each simulation hour in which an RTO is purchasing interchange, the APC shall be calculated by multiplying the interchange purchase MW times the RTO's load-weighted LMP and then adding this value to the RTO's production cost.

The NLP benefit for each RTO represents each RTO's gross load payment minus the estimated value of congestion-hedging transmission rights in each RTO. The NLP shall be calculated by multiplying the LMP at each modeled load bus in the RTO by the load

(in MW) at the bus, for each simulation hour (load LMP * load (in MW)), and then subtracting from that product the estimated value of congestion-hedging transmission rights for that hour. For each simulation hour, the value of an RTO's transmission rights shall be calculated by subtracting the RTO generation-weighted LMP from the RTO load-weighted LMP and then multiplying this difference times the lower of the RTO's total generation MW level or the RTO's total load MW level.

The benefit metric shall be calculated for each RTO for each year of simulation. Benefits for intermediate years between simulated years will be based on interpolation. The annual benefit for an Interregional Market Efficiency Project shall be determined as the sum of the benefit values for each RTO. The total project benefit shall be determined by calculating the present value of annual benefits for, at a minimum, the first ten years of project life after the projected inservice year, with a maximum planning horizon of 20 years from the current year.

(b) The RTOs shall employ a threshold benefits-to-costs ratio test to evaluate a potential Interregional Market Efficiency Project. Only projects that meet the benefits-to-costs ratio threshold shall be designated as an Interregional Market Efficiency Project. The costs applied in the benefits-to-costs ratio shall be the present value, over the same period for which the project benefits are determined, of the annual revenue requirements for the project. The annual revenue requirements for the Interregional Market Efficiency Project are determined from the estimated Interregional Market Efficiency Project installed costs and the fixed charge rate applicable to the constructing transmission owner(s).

The benefits-to-costs ratio threshold for a project to qualify as an Interregional Market Efficiency Project shall be 1.25 to 1. To determine the present value of the annual benefits and costs, the discount rate shall be based on the transmission owners' most recent after-tax embedded cost of capital weighted by each transmission owner's total transmission capitalization. Each transmission owner shall provide the RTOs with the transmission owner's most recent after-tax embedded cost of capital, total transmission capitalization, and levelized carrying charge rate, including the recovery period. The recovery period shall be consistent with recovery periods allowed by FERC for comparable facilities.

(c) Using the cost allocated to each RTO pursuant to Section 9.4.3.2.2 of the JOA, and the Coordinated System Plan model, including using the same simulation years, each RTO will evaluate the project using its internal criteria to determine if it qualifies as an economic transmission

enhancement or expansion under the terms of the PJM RTEP and also qualifies as a market efficiency project under the terms of Attachment FF of the Midwest ISO OATT.

9.4.3.1.4 Interregional Public Policy Project Criteria:

Interregional Public Policy Projects must meet the following criteria:

- (i) be selected both in the MISO and PJM regional planning processes and be eligible for each region's cost allocation process; and
- (ii) by agreement of the JRPC, displace one or more regional projects addressing public policy in MISO or one or more public policy projects in PJM as defined in their respective tariffs and more efficiently or cost-effectively meet applicable public policy criteria than the displaced regional project(s).

Through their respective regional planning processes, PJM and MISO respectively will evaluate proposals to determine whether the proposed Interregional Public Policy Project(s) addresses public policy needs that are currently being addressed with public policy projects in its regional transmission planning process and, if so, which public policy projects in that regional transmission planning process could be displaced by the proposed Interregional Public Policy Project. Public policy projects in the MISO regional transmission planning process include Multi-Value Projects that meet Multi-Value Project Criterion 1 under the terms of Attachment FF to MISO's OATT. Public policy projects in the PJM regional transmission planning process include both economic and reliability projects. MISO and PJM will quantify the benefits of an Interregional Public Policy Project based upon the total avoided costs of regional transmission projects included in the then-current regional transmission plan that for the purposes of cost allocation would be displaced if the proposed Interregional Public Policy Project was included in the plan.

9.4.3.2 Interregional Project Benefits and Shares:

The Coordinated System Plan shall designate the share of the Project Cost to be allocated to each RTO as set forth in the following subsections:

9.4.3.2.1 Cost Allocation for Cross-Border Baseline Reliability Projects

(a) **Method for Thermal Constraints:** The Coordinated System Plan shall designate the share of the Project Cost to be allocated to each RTO based on the relative contribution of the combined Load of each RTO to loading on the constrained facility requiring the need for the CBBRP. The loading contribution will be pre-determined using a joint RTO planning model developed and agreed to by the planning staffs of both RTOs. This model will form the basecase from which reliability needs on the combined systems will be determined for the Coordinated

System Plan. The model, adjusted for the conditions driving the upgrade needs, will be used to calculate the DFAX for cost allocation purposes for each RTO, using a source of the aggregate of RTO generation (network resources) for each RTO to a sink of all Loads within that RTO. The DFAX is the appropriate distribution factor for the condition causing the upgrade; OTDF for contingency condition flow criteria violations, and PTDF for normal condition flow criteria violations. The DFAX calculation determines the MW flow impact attributable to each RTO on the constraint requiring the transmission system to be upgraded. The total load of each RTO for the condition modeled is multiplied by the DFAX associated with that RTO to determine the respective MW flow contribution of that RTO to the constraint. The RTOs will quantify the relative impact due to PJM's system and the relative impact due to the Midwest ISO's system and then will allocate between PJM and the Midwest ISO the load contributions to the reliability constraint on the system by calculating the relative impacts caused by each RTO. This methodology will determine the extent to which each RTO contributes to the need for a reliability upgrade consistent with the Coordinated System Plan modeling that determined the need for the upgrade. The Midwest ISO total load impacts will be allocated to the Midwest ISO and the PJM total load impacts will be allocated to PJM. PJM and the Midwest ISO will then reallocate their shares internally in accordance with their respective tariffs. By calculating the impacts in this manner, the RTOs will ensure that the relative contribution of each RTO (including both the aggravating and benefiting contributions of generation and load patterns within each RTO) to the need for a particular upgrade, is appropriately captured in the ensuing allocations, and that the allocation is consistent with the Coordinated System Plan modeling that determined the need for the upgrade.

(b) Method for Non-Thermal Constraints:

The JRPC will establish an interface, comprised of a number of transmission facilities, to serve as a surrogate for allocation of cost responsibility for non-thermal constraints. The interface will be established such that the aggregate flow on the interface best represents the non-thermal constraint which the CBBRP is proposed to alleviate. Allocation of cost responsibility for the non-thermal constraint will be determined by applying the procedures described in this Section to the interface serving as a surrogate for the constraint.

(c) Method for Projects that Also Qualify As Interregional Reliability Projects: For an Interregional Project that meets the criteria of both a CBBRP under Section 9.4.3.1.1 and an Interregional Reliability Project under Section 9.4.3.1.2, the cost will

be allocated in accordance with the methodology set forth in Section 9.4.3.2.2.

9.4.3.2.2 Cost Allocation for an Interregional Reliability Project:

The cost of an Interregional Reliability Project, selected in the regional transmission plans of both PJM and MISO, will be allocated as follows:

- (i) The share of the costs an Interregional Reliability Project allocated to a region will be determined by the ratio of the present value(s) of the estimated costs of such region's displaced reliability projects as agreed to by the RTOs to the total of the present value(s) of the estimated costs of the displaced reliability projects in both regions that have selected the Interregional Reliability Project in their respective regional plans.
- (ii) For purposes of this subsection, a displaced reliability project's estimated costs shall be determined by PJM and MISO in accordance with their respective procedures for defining project estimated costs. Notwithstanding the foregoing, both RTOs shall work to ensure that their cost estimates for displaced reliability projects are determined in a similar manner. The applicable discount rate(s) used for the MISO region shall be the discount rate proposed by the Transmission Owner that produces the cost estimate for the proposed project. The applicable discount rate(s) used for the PJM region shall be the discount rate included in the assumptions reviewed by the PJM Board of Managers each year for use in the economic planning process.
- (iii) Costs allocated to each region shall be further allocated within each region pursuant to the cost allocation methodology contained in each region's respective regional transmission planning process.

9.4.3.2.3 Cost Allocation for an Interregional Market Efficiency Project:

For Interregional Market Efficiency Projects that meet all of the qualifications in Section 9.4.3.1.2, the applicable project costs shall be allocated to the respective RTOs in proportion to the net present value of the total benefits calculated for each RTO pursuant to Section 9.4.3.1.2.1(a).

9.4.3.2.4 Cost Allocation for an Interregional Public Policy Project:

The cost of an Interregional Public Policy Project, selected in the regional transmission plans of both PJM and MISO, will be allocated as follows:

(i) The share of the costs for an Interregional Public Policy Project allocated to a region will be determined by the ratio of the present value(s) of the estimated costs of such region's displaced public policy projects to

the total of the present value(s) of the estimated costs of the displaced public policy projects in both regions that have selected the Interregional Public Policy Project in their respective regional plans.

- (ii) For purposes of this subsection, a displaced regional public policy project's estimated costs shall be determined by PJM and MISO in accordance with their respective procedures for defining project estimated costs. Notwithstanding the foregoing, both RTOs shall work to ensure that their cost estimates for displaced public policy projects are determined in a similar manner. The applicable discount rate(s) used for the MISO region shall be the discount rate developed by MISO for cost estimates for projects under review by the MISO Board of Directors. The applicable discount rate(s) used for the PJM region shall be the discount rate included in the assumptions reviewed by the PJM Board of Managers each year for use in the economic planning process.
- (iii) Costs allocated to each region shall be further allocated within each region pursuant to the cost allocation methodology contained in each region's respective regional transmission planning process.

9.4.3.3 Determination of Interregional Cost Allocation Share Outside of Coordinated System Plan:

Either RTO may request that a project be tested against the interregional cost allocation criteria during the interim periods between periodic formal releases of the Coordinated System Plan. The RTOs will conduct reviews between the formal cycles on at least an annual basis. Such tests will be performed on the best available joint planning model, as determined by the JRPC.

The joint planning model will be a minimum 5-year horizon case, modeling peak summer conditions, and will be developed by February of each year. It will be based on the current RTEP basecase for PJM and the current MTEP basecase for the Midwest ISO. The basecase developed by each RTO will be based on documented procedures, which, in turn, will guide the development of the joint RTO planning model. Any disputes that arise will be resolved through the dispute resolution procedures documented in Article XIV. Each year the model will be updated by the RTOs to include changes to long term firm transmission service, load forecast, topology changes, generation additions/retirements and any other relevant system changes that may have occurred since the previous years' basecase development. The joint RTO planning model will be available to any member of PJM or the Midwest ISO.

9.4.3.4 Cost Recovery of Interregional Allocation Shares:

The cost recovery of any share of cost of an Interregional Project allocated to either RTO shall be recovered by each RTO according to the applicable tariff provisions of the RTO to which such cost recovery is allocated.

9.4.3.5 Transmission Owners Filing Rights:

Nothing in this Section 9.4 shall affect or limit any Transmission Owners filing rights under Section 205 of the Federal Power Act as set forth in the applicable Tariffs and applicable agreements.

9.4.3.6 Amendments:

The RTOs shall amend Article IX of this Agreement in accordance with the applicable tariffs and/or agreements.

9.4 Allocation of Costs of Network Upgrades.

9.4.1 Network Upgrades Associated with Interconnections.

When under Section 9.3.3 it is determined that a generation or merchant transmission interconnection to a Party's system will have an impact on the Affected System such that Network Upgrades shall be made, the upgrades on the Affected System shall be paid for in accordance with the terms and conditions of the Party's OATT.

9.4.2 Network Upgrades Associated with Transmission Service Requests.

When under Section 9.3.4 it is determined that the granting of a long-term firm delivery service request with respect to a Party's system will have an impact on the Affected System such that Network Upgrades shall be made, the upgrades on the Affected System shall be paid for in accordance with the terms and conditions of the Party's OATT.

9.4.3 Network Upgrades Associated with Incremental Auction Revenue Rights Requests.

When under Section 9.3.5 it is determined that the granting of an Incremental ARR request with respect to a Party's system will have an impact on the Affected System such that Network Upgrades shall be made, the upgrades on the Affected System shall be paid for in accordance with the terms and conditions of the Affected System's tariff provisions.

9.4.4 Network Upgrades Under Coordinated System Plan.

The Coordinated System Plan will identify Interregional Projects as: (i) Cross-Border Baseline Reliability Projects ("CBBRP"), (ii) Interregional Reliability Projects, (iii) Interregional Market Efficiency Projects, and (iv) Interregional Public Policy Projects. Consistent with the applicable OATT provisions, the Coordinated System Plan will designate the portion of the Interregional Project Cost for each such project that is to be allocated to each RTO on behalf of its Market Participants. The JRPC will determine an allocation of costs to each RTO for such Network Upgrades based on the procedures described below. The proposed allocation of costs will be reviewed with the IPSAC and the appropriate multi-state entities and posted on the internet web site of the two RTOs. Stakeholder input will be solicited and taken into consideration by the JRPC in arriving at a consensus allocation of costs.

9.4.4.1 Criteria for Project Designation as an Interregional Project:

Interregional Projects must be: (1) physically located in both the MISO region and the PJM region or (2) physically located wholly in one transmission planning region but jointly determined and agreed upon to provide benefits to the other transmission planning region or both transmission planning regions. These Interregional Projects will be designated in accordance with the following criteria:

9.4.4.1.1 Cross-Border Baseline Reliability Project Criteria:

Projects that meet all of the following criteria will be designated as CBBRPs:

- (i) by agreement of the JRPC, the project is needed to efficiently meet applicable reliability criteria;
- (ii) the project must be a baseline reliability project as defined under the MISO or PJM Tariffs.

9.4.4.1.2 Interregional Reliability Project Criteria:

An Interregional Reliability Project must:

- (i) be selected both in the MISO and PJM regional planning processes and be eligible for each region's cost allocation process; and
- (ii) by agreement of the JRPC, displace one or more reliability projects in either or both PJM and MISO as defined in their respective tariffs and more efficiently or cost-effectively meet applicable reliability criteria than the displaced reliability project(s).

Through their respective regional planning processes, PJM and MISO respectively will evaluate proposals to determine whether the proposed Interregional Reliability Project(s) addresses reliability needs that are currently being addressed with reliability projects in its regional transmission planning process and, if so, which reliability projects in that regional transmission planning process could be displaced by the proposed Interregional Reliability Project. Reliability projects in the MISO regional transmission planning process include Baseline Reliability Projects and Multi-Value Projects that meet Criterion 3 according to MISO's OATT. MISO and PJM will quantify the benefits of an Interregional Reliability Project based upon the total avoided costs of regional transmission projects included in the then-current regional transmission plan that would be displaced if the proposed Interregional Reliability Project was included in the plan .

9.4.4.1.3 Interregional Market Efficiency Project Criteria:

Interregional Market Efficiency Projects must meet the following criteria:

- (i) is evaluated as part of a Coordinated System Plan or joint study process, as described in Section 9.3.6 of the JOA;
- (ii) meets the threshold benefit to cost ratio as prescribed under the terms of, and using the benefit and cost measures prescribed under Section 9.4.4.1.2.1 of the JOA;

- (iii) qualifies as an economic transmission enhancement or expansion under the terms of the PJM RTEP and also qualifies as a Market Efficiency Project or a Multi-Value Project that meets Multi-Value Project Criterion 2 or Criterion 3 under the terms of Attachment FF of the Midwest ISO OATT (including all applicable threshold criteria), provided that any minimum Project Cost threshold required to qualify a project under either the PJM RTEP or Midwest ISO OATT shall apply the Project Cost of the Interregional Market Efficiency Project and not the allocated cost; and
- (iv) addresses one or more constraints for which at least one dispatchable generator in the adjacent market has a GLDF of 5% or greater with respect to serving load in that adjacent market, as determined using the Coordinated System Plan power flow model.

9.4.4.1.3.1 Determination of Benefits to Each RTO from an Interregional Market Efficiency Project:

The RTOs shall jointly evaluate the benefits to the combined Midwest ISO and PJM markets, and to each market individually, by evaluating multiple metrics using a multi-year analysis to determine whether a proposed project qualified as an Interregional Market Efficiency Project. The RTOs shall perform this evaluation as follows:

(a) The RTOs shall utilize a benefit metric to analyze the anticipated annual economic benefits of construction of a proposed Interregional Market Efficiency Project to Transmission Customers of each RTO. Benefits are measured for a project by the estimated change in the benefit metric with and without the incorporation of the proposed project. The benefit metric is based upon the impact of the project on: (1) APC (adjusted to account for purchases and sales) and (2) NLP. The benefit metric for each RTO shall be developed by weighting the APC benefit and the NLP benefit. The benefit metric shall be calculated as the sum of seventy percent (70%) times the change in APC benefit for each RTO plus thirty percent (30%) times the change in NLP benefit for each RTO where the change in APC and NLP is calculated by subtracting the APC and NLP values determined without the proposed Interregional Market Efficiency Project:

Benefit Metric = (70% of change in APC + 30% of change in NLP)

The APC for each RTO represents each RTO's production costs adjusted for interchange purchases and sales. For each simulation hour in which an RTO is selling interchange, the APC shall be calculated by multiplying the interchange sales MW times the RTO's

generation-weighted LMP and then subtracting this value from the RTO's production cost. For each simulation hour in which an RTO is purchasing interchange, the APC shall be calculated by multiplying the interchange purchase MW times the RTO's load-weighted LMP and then adding this value to the RTO's production cost.

The NLP benefit for each RTO represents each RTO's gross load payment minus the estimated value of congestion-hedging transmission rights in each RTO. The NLP shall be calculated by multiplying the LMP at each modeled load bus in the RTO by the load (in MW) at the bus, for each simulation hour (load LMP * load (in MW)), and then subtracting from that product the estimated value of congestion-hedging transmission rights for that hour. For each simulation hour, the value of an RTO's transmission rights shall be calculated by subtracting the RTO generation-weighted LMP from the RTO load-weighted LMP and then multiplying this difference times the lower of the RTO's total generation MW level or the RTO's total load MW level.

The benefit metric shall be calculated for each RTO for each year of simulation. Benefits for intermediate years between simulated years will be based on interpolation. The annual benefit for an Interregional Market Efficiency Project shall be determined as the sum of the benefit values for each RTO. The total project benefit shall be determined by calculating the present value of annual benefits for, at a minimum, the first ten years of project life after the projected inservice year, with a maximum planning horizon of 20 years from the current year.

(b) The RTOs shall employ a threshold benefits-to-costs ratio test to evaluate a potential Interregional Market Efficiency Project. Only projects that meet the benefits-to-costs ratio threshold shall be designated as an Interregional Market Efficiency Project. The costs applied in the benefits-to-costs ratio shall be the present value, over the same period for which the project benefits are determined, of the annual revenue requirements for the project. The annual revenue requirements for the Interregional Market Efficiency Project are determined from the estimated Interregional Market Efficiency Project installed costs and the fixed charge rate applicable to the constructing transmission owner(s).

The benefits-to-costs ratio threshold for a project to qualify as an Interregional Market Efficiency Project shall be 1.25 to 1. To determine the present value of the annual benefits and costs, the discount rate shall be based on the transmission owners' most recent after-tax embedded cost of capital weighted by each transmission owner's total transmission capitalization. Each transmission owner

shall provide the RTOs with the transmission owner's most recent after-tax embedded cost of capital, total transmission capitalization, and levelized carrying charge rate, including the recovery period. The recovery period shall be consistent with recovery periods allowed by FERC for comparable facilities.

(c) Using the cost allocated to each RTO pursuant to Section 9.4.3.2.2 of the JOA, and the Coordinated System Plan model, including using the same simulation years, each RTO will evaluate the project using its internal criteria to determine if it qualifies as an economic transmission enhancement or expansion under the terms of the PJM RTEP and also qualifies as a market efficiency project under the terms of Attachment FF of the Midwest ISO OATT.

9.4.4.1.4 Interregional Public Policy Project Criteria:

Interregional Public Policy Projects must meet the following criteria:

- (i) be selected both in the MISO and PJM regional planning processes and be eligible for each region's cost allocation process; and
- (ii) by agreement of the JRPC, displace one or more regional projects addressing public policy in MISO or one or more public policy projects in PJM as defined in their respective tariffs and more efficiently or cost-effectively meet applicable public policy criteria than the displaced regional project(s).

Through their respective regional planning processes, PJM and MISO respectively will evaluate proposals to determine whether the proposed Interregional Public Policy Project(s) addresses public policy needs that are currently being addressed with public policy projects in its regional transmission planning process and, if so, which public policy projects in that regional transmission planning process could be displaced by the proposed Interregional Public Policy Project. Public policy projects in the MISO regional transmission planning process include Multi-Value Projects that meet Multi-Value Project Criterion 1 under the terms of Attachment FF to MISO's OATT. Public policy projects in the PJM regional transmission planning process include both economic and reliability projects. MISO and PJM will quantify the benefits of an Interregional Public Policy Project based upon the total avoided costs of regional transmission projects included in the then-current regional transmission plan that for the purposes of cost allocation would be displaced if the proposed Interregional Public Policy Project was included in the plan.

9.4.4.2 Interregional Project Benefits and Shares:

The Coordinated System Plan shall designate the share of the Project Cost to be allocated to each RTO as set forth in the following subsections:

9.4.4.2.1 Cost Allocation for Cross-Border Baseline Reliability Projects

(a) **Method for Thermal Constraints:** The Coordinated System Plan shall designate the share of the Project Cost to be allocated to each RTO based on the relative contribution of the combined Load of each RTO to loading on the constrained facility requiring the need for the CBBRP. The loading contribution will be predetermined using a joint RTO planning model developed and agreed to by the planning staffs of both RTOs. This model will form the basecase from which reliability needs on the combined systems will be determined for the Coordinated System Plan. The model, adjusted for the conditions driving the upgrade needs, will be used to calculate the DFAX for cost allocation purposes for each RTO, using a source of the aggregate of RTO generation (network resources) for each RTO to a sink of all Loads within that RTO. The DFAX is the appropriate distribution factor for the condition causing the upgrade; OTDF for contingency condition flow criteria violations, and PTDF for normal condition flow criteria violations. The DFAX calculation determines the MW flow impact attributable to each RTO on the constraint requiring the transmission system to be upgraded. The total load of each RTO for the condition modeled is multiplied by the DFAX associated with that RTO to determine the respective MW flow contribution of that RTO to the constraint. The RTOs will quantify the relative impact due to PJM's system and the relative impact due to the Midwest ISO's system and then will allocate between PJM and the Midwest ISO the load contributions to the reliability constraint on the system by calculating the relative impacts caused by each RTO. This methodology will determine the extent to which each RTO contributes to the need for a reliability upgrade consistent with the Coordinated System Plan modeling that determined the need for the upgrade. The Midwest ISO total load impacts will be allocated to the Midwest ISO and the PJM total load impacts will be allocated to PJM. PJM and the Midwest ISO will then reallocate their shares internally in accordance with their respective tariffs. By calculating the impacts in this manner, the RTOs will ensure that the relative contribution of each RTO (including both the aggravating and benefiting contributions of generation and load patterns within each RTO) to the need for a particular upgrade, is appropriately captured in the ensuing allocations, and that the allocation is consistent with the Coordinated System Plan modeling that determined the need for the upgrade.

(b) Method for Non-Thermal Constraints:

The JRPC will establish an interface, comprised of a number of transmission facilities, to serve as a surrogate for allocation of cost responsibility for non-thermal constraints. The interface will be established such that the aggregate flow on the interface best represents the non-thermal constraint which the CBBRP is proposed to alleviate. Allocation of cost responsibility for the non-thermal constraint will be determined by applying the procedures described in this Section to the interface serving as a surrogate for the constraint.

(c) **Method for Projects that Also Qualify As Interregional Reliability Projects:** For an Interregional Project that meets the criteria of both a CBBRP under Section 9.4.3.1.1 and an Interregional Reliability Project under Section 9.4.3.1.2, the cost will be allocated in accordance with the methodology set forth in Section 9.4.3.2.2.

9.4.4.2.2 Cost Allocation for an Interregional Reliability Project:

The cost of an Interregional Reliability Project, selected in the regional transmission plans of both PJM and MISO, will be allocated as follows:

- (i) The share of the costs an Interregional Reliability Project allocated to a region will be determined by the ratio of the present value(s) of the estimated costs of such region's displaced reliability projects as agreed to by the RTOs to the total of the present value(s) of the estimated costs of the displaced reliability projects in both regions that have selected the Interregional Reliability Project in their respective regional plans.
- (ii) For purposes of this subsection, a displaced reliability project's estimated costs shall be determined by PJM and MISO in accordance with their respective procedures for defining project estimated costs. Notwithstanding the foregoing, both RTOs shall work to ensure that their cost estimates for displaced reliability projects are determined in a similar manner. The applicable discount rate(s) used for the MISO region shall be the discount rate proposed by the Transmission Owner that produces the cost estimate for the proposed project. The applicable discount rate(s) used for the PJM region shall be the discount rate included in the assumptions reviewed by the PJM Board of Managers each year for use in the economic planning process.
- (iii) Costs allocated to each region shall be further allocated within each region pursuant to the cost allocation methodology contained in each region's respective regional transmission planning process.

9.4.4.2.3 Cost Allocation for an Interregional Market Efficiency Project:

For Interregional Market Efficiency Projects that meet all of the qualifications in Section 9.4.4.1.2, the applicable project costs shall be allocated to the respective RTOs in proportion to the net present value of the total benefits calculated for each RTO pursuant to Section 9.4.4.1.2.1(a).

9.4.4.2.4 Cost Allocation for an Interregional Public Policy Project:

The cost of an Interregional Public Policy Project, selected in the regional transmission plans of both PJM and MISO, will be allocated as follows:

- (i) The share of the costs for an Interregional Public Policy Project allocated to a region will be determined by the ratio of the present value(s) of the estimated costs of such region's displaced public policy projects to the total of the present value(s) of the estimated costs of the displaced public policy projects in both regions that have selected the Interregional Public Policy Project in their respective regional plans.
- (ii) For purposes of this subsection, a displaced regional public policy project's estimated costs shall be determined by PJM and MISO in accordance with their respective procedures for defining project estimated costs. Notwithstanding the foregoing, both RTOs shall work to ensure that their cost estimates for displaced public policy projects are determined in a similar manner. The applicable discount rate(s) used for the MISO region shall be the discount rate developed by MISO for cost estimates for projects under review by the MISO Board of Directors. The applicable discount rate(s) used for the PJM region shall be the discount rate included in the assumptions reviewed by the PJM Board of Managers each year for use in the economic planning process.
- (iii) Costs allocated to each region shall be further allocated within each region pursuant to the cost allocation methodology contained in each region's respective regional transmission planning process.

9.4.4.3 Determination of Interregional Cost Allocation Share Outside of Coordinated System Plan:

Either RTO may request that a project be tested against the interregional cost allocation criteria during the interim periods between periodic formal releases of the Coordinated System Plan. The RTOs will conduct reviews between the formal cycles on at least an annual basis. Such tests will be performed on the best available joint planning model, as determined by the JRPC.

The joint planning model will be a minimum 5-year horizon case, modeling peak summer conditions, and will be developed by February of each year. It will be based on the current RTEP basecase for PJM and the current MTEP basecase for the Midwest ISO. The basecase developed by each RTO will be based on documented procedures, which, in turn, will guide the development of the joint RTO planning model. Any disputes that arise will be resolved through the dispute resolution procedures documented in Article XIV. Each year the model will be updated by the RTOs to include changes to long term firm transmission service, load forecast, topology changes, generation additions/retirements and any other relevant system changes that may have occurred since the previous years' basecase development. The joint RTO planning model will be available to any member of PJM or the Midwest ISO.

9.4.4.4 Cost Recovery of Interregional Allocation Shares:

The cost recovery of any share of cost of an Interregional Project allocated to either RTO shall be recovered by each RTO according to the applicable tariff provisions of the RTO to which such cost recovery is allocated.

9.4.4.5 Transmission Owners Filing Rights:

Nothing in this Section 9.4 shall affect or limit any Transmission Owners filing rights under Section 205 of the Federal Power Act as set forth in the applicable Tariffs and applicable agreements.

9.4.4.6 Amendments:

The RTOs shall amend Article IX of this Agreement in accordance with the applicable tariffs and/or agreements.

9.4 Allocation of Costs of Network Upgrades.

9.4.1 Network Upgrades Associated with Interconnections.

When under Section 9.3.3 it is determined that a generation or merchant transmission interconnection to a Party's system will have an impact on the Affected System such that Network Upgrades shall be made, the upgrades on the Affected System shall be paid for in accordance with the terms and conditions of the Party's OATT.

9.4.2 Network Upgrades Associated with Transmission Service Requests.

When under Section 9.3.4 it is determined that the granting of a long-term firm delivery service request with respect to a Party's system will have an impact on the Affected System such that Network Upgrades shall be made, the upgrades on the Affected System shall be paid for in accordance with the terms and conditions of the Party's OATT.

9.4.3 Network Upgrades Associated with Incremental Auction Revenue Rights Requests.

When under Section 9.3.5 it is determined that the granting of an Incremental ARR request with respect to a Party's system will have an impact on the Affected System such that Network Upgrades shall be made, the upgrades on the Affected System shall be paid for in accordance with the terms and conditions of the Affected System's tariff provisions.

9.4.4 Network Upgrades Under Coordinated System Plan.

The Coordinated System Plan will identify Interregional Projects as: (i) Cross-Border Baseline Reliability Projects ("CBBRP"), (ii) Interregional Reliability Projects, (iii) Interregional Market Efficiency Projects, and (iv) Interregional Public Policy Projects. Consistent with the applicable OATT provisions, the Coordinated System Plan will designate the portion of the Interregional Project Cost for each such project that is to be allocated to each RTO on behalf of its Market Participants. The JRPC will determine an allocation of costs to each RTO for such Network Upgrades based on the procedures described below. The proposed allocation of costs will be reviewed with the IPSAC and the appropriate multi-state entities and posted on the internet web site of the two RTOs. Stakeholder input will be solicited and taken into consideration by the JRPC in arriving at a consensus allocation of costs.

9.4.4.1 Criteria for Project Designation as an Interregional Project:

Interregional Projects must be: (1) physically located in both the MISO region and the PJM region or (2) physically located wholly in one transmission planning region but jointly determined and agreed upon to provide benefits to the other transmission planning region or both transmission planning regions. These Interregional Projects will be designated in accordance with the following criteria:

9.4.4.1.1 Cross-Border Baseline Reliability Project Criteria:

Projects that meet all of the following criteria will be designated as CBBRPs:

- (i) by agreement of the JRPC, the project is needed to efficiently meet applicable reliability criteria;
- (ii) the project must be a baseline reliability project as defined under the MISO or PJM Tariffs.

9.4.4.1.2 Interregional Reliability Project Criteria:

An Interregional Reliability Project must:

- (i) be selected both in the MISO and PJM regional planning processes and be eligible for each region's cost allocation process; and
- (ii) by agreement of the JRPC, displace one or more reliability projects in either or both PJM and MISO as defined in their respective tariffs and more efficiently or cost-effectively meet applicable reliability criteria than the displaced reliability project(s).

Through their respective regional planning processes, PJM and MISO respectively will evaluate proposals to determine whether the proposed Interregional Reliability Project(s) addresses reliability needs that are currently being addressed with reliability projects in its regional transmission planning process and, if so, which reliability projects in that regional transmission planning process could be displaced by the proposed Interregional Reliability Project. Reliability projects in the MISO regional transmission planning process include Baseline Reliability Projects and Multi-Value Projects that meet Criterion 3 according to MISO's OATT. MISO and PJM will quantify the benefits of an Interregional Reliability Project based upon the total avoided costs of regional transmission projects included in the then-current regional transmission plan that would be displaced if the proposed Interregional Reliability Project was included in the plan.

9.4.4.1.3 Interregional Market Efficiency Project Criteria:

Interregional Market Efficiency Projects must meet the following criteria:

- (i) is evaluated as part of a Coordinated System Plan or joint study process, as described in Section 9.3.6 of the JOA;
- (ii) meets the threshold benefit to cost ratio as prescribed under the terms of, and using the benefit and cost measures prescribed under Section 9.4.4.1.2.1 of the JOA;
- (iii) qualifies as an economic transmission enhancement or expansion under the terms of the PJM RTEP and also qualifies as a Market

Efficiency Project or a Multi-Value Project that meets Multi-Value Project Criterion 2 or Criterion 3 under the terms of Attachment FF of the MISO OATT (including all applicable threshold criteria), provided that any minimum Project Cost threshold required to qualify a project under either the PJM RTEP or MISO OATT shall apply the Project Cost of the Interregional Market Efficiency Project and not the allocated cost; and

(iv) addresses one or more constraints for which at least one dispatchable generator in the adjacent market has a GLDF of 5% or greater with respect to serving load in that adjacent market, as determined using the Coordinated System Plan power flow model.

9.4.4.1.3.1 Determination of Benefits to Each RTO from an Interregional Market Efficiency Project:

The RTOs shall jointly evaluate the benefits to the combined MISO and PJM markets, and to each market individually, by evaluating multiple metrics using a multi-year analysis to determine whether a proposed project qualified as an Interregional Market Efficiency Project. The RTOs shall perform this evaluation as follows:

(a) The RTOs shall utilize a benefit metric to analyze the anticipated annual economic benefits of construction of a proposed Interregional Market Efficiency Project to Transmission Customers of each RTO. Benefits are measured for a project by the estimated change in the benefit metric with and without the incorporation of the proposed project. The benefit metric is based upon the impact of the project on:

(1) APC (adjusted to account for purchases and sales) and (2) NLP. The benefit metric for each RTO shall be developed by weighting the APC benefit and the NLP benefit. The benefit metric shall be calculated as the sum of seventy percent (70%) times the change in APC benefit for each RTO plus thirty percent (30%) times the change in NLP benefit for each RTO where the change in APC and NLP is calculated by subtracting the APC and NLP values determined without the proposed Interregional Market Efficiency Project:

Benefit Metric = (70% of change in APC + 30% of change in NLP)

The APC for each RTO represents each RTO's production costs adjusted for interchange purchases and sales. For each simulation hour in which an RTO is selling interchange, the APC shall be calculated by multiplying the interchange sales MW times the RTO's generation-weighted LMP and then subtracting this value from the RTO's production cost. For each simulation hour in which an RTO is purchasing interchange, the APC shall be calculated by multiplying the

interchange purchase MW times the RTO's load-weighted LMP and then adding this value to the RTO's production cost.

The NLP benefit for each RTO represents each RTO's gross load payment minus the estimated value of congestion-hedging transmission rights in each RTO. The NLP shall be calculated by multiplying the LMP at each modeled load bus in the RTO by the load (in MW) at the bus, for each simulation hour (load LMP * load (in MW)), and then subtracting from that product the estimated value of congestion-hedging transmission rights for that hour. For each simulation hour, the value of an RTO's transmission rights shall be calculated by subtracting the RTO generation-weighted LMP from the RTO load-weighted LMP and then multiplying this difference times the lower of the RTO's total generation MW level or the RTO's total load MW level.

The benefit metric shall be calculated for each RTO for each year of simulation. Benefits for intermediate years between simulated years will be based on interpolation. The annual benefit for an Interregional Market Efficiency Project shall be determined as the sum of the benefit values for each RTO. The total project benefit shall be determined by calculating the present value of annual benefits for, at a minimum, the first ten years of project life after the projected inservice year, with a maximum planning horizon of 20 years from the current year.

(b) The RTOs shall employ a threshold benefits-to-costs ratio test to evaluate a potential Interregional Market Efficiency Project. Only projects that meet the benefits-to-costs ratio threshold shall be designated as an Interregional Market Efficiency Project. The costs applied in the benefits-to-costs ratio shall be the present value, over the same period for which the project benefits are determined, of the annual revenue requirements for the project. The annual revenue requirements for the Interregional Market Efficiency Project are determined from the estimated Interregional Market Efficiency Project installed costs and the fixed charge rate applicable to the constructing transmission owner(s).

The benefits-to-costs ratio threshold for a project to qualify as an Interregional Market Efficiency Project shall be 1.25 to 1. To determine the present value of the annual benefits and costs, the discount rate shall be based on the transmission owners' most recent after-tax embedded cost of capital weighted by each transmission owner's total transmission capitalization. Each transmission owner shall provide the RTOs with the transmission owner's most recent after-tax embedded cost of capital, total transmission capitalization, and levelized carrying charge rate, including the recovery period. The

- recovery period shall be consistent with recovery periods allowed by FERC for comparable facilities.
- (c) Using the cost allocated to each RTO pursuant to Section 9.4.4.2.2 of the JOA, and the Coordinated System Plan model, including using the same simulation years, each RTO will evaluate the project using its internal criteria to determine if it qualifies as an economic transmission enhancement or expansion under the terms of the PJM RTEP and also qualifies as a market efficiency project under the terms of Attachment FF of the MISO OATT.

9.4.4.1.4 Interregional Public Policy Project Criteria:

Interregional Public Policy Projects must meet the following criteria:

- (i) be selected both in the MISO and PJM regional planning processes and be eligible for each region's cost allocation process; and
- (ii) by agreement of the JRPC, displace one or more regional projects addressing public policy in MISO or one or more public policy projects in PJM as defined in their respective tariffs and more efficiently or cost-effectively meet applicable public policy criteria than the displaced regional project(s).

Through their respective regional planning processes, PJM and MISO respectively will evaluate proposals to determine whether the proposed Interregional Public Policy Project(s) addresses public policy needs that are currently being addressed with public policy projects in its regional transmission planning process and, if so, which public policy projects in that regional transmission planning process could be displaced by the proposed Interregional Public Policy Project. Public policy projects in the MISO regional transmission planning process include Multi-Value Projects that meet Multi-Value Project Criterion 1 under the terms of Attachment FF to MISO's OATT. Public policy projects in the PJM regional transmission planning process include both economic and reliability projects. MISO and PJM will quantify the benefits of an Interregional Public Policy Project based upon the total avoided costs of regional transmission projects included in the then-current regional transmission plan for purposes of cost allocation that would be displaced if the proposed Interregional Public Policy Project was included in the plan.

9.4.4.2 Interregional Project Benefits and Shares:

The Coordinated System Plan shall designate the share of the Project Cost to be allocated to each RTO as set forth in the following subsections:

9.4.4.2.1 Cost Allocation for Cross-Border Baseline Reliability Projects

(a) Method for Thermal Constraints: The Coordinated System Plan shall designate the share of the Project Cost to be allocated to each RTO based on the relative contribution of the combined Load of each RTO to loading on the constrained facility requiring the need for the CBBRP. The loading contribution will be pre-determined using a joint RTO planning model developed and agreed to by the planning staffs of both RTOs. This model will form the basecase from which reliability needs on the combined systems will be determined for the Coordinated System Plan. The model, adjusted for the conditions driving the upgrade needs, will be used to calculate the DFAX for cost allocation purposes for each RTO, using a source of the aggregate of RTO generation (network resources) for each RTO to a sink of all Loads within that RTO. The DFAX is the appropriate distribution factor for the condition causing the upgrade; OTDF for contingency condition flow criteria violations, and PTDF for normal condition flow criteria violations. The DFAX calculation determines the MW flow impact attributable to each RTO on the constraint requiring the transmission system to be upgraded. The total load of each RTO for the condition modeled is multiplied by the DFAX associated with that RTO to determine the respective MW flow contribution of that RTO to the constraint. The RTOs will quantify the relative impact due to PJM's system and the relative impact due to MISO's system and then will allocate between PJM and MISO the load contributions to the reliability constraint on the system by calculating the relative impacts caused by each RTO. This methodology will determine the extent to which each RTO contributes to the need for a reliability upgrade consistent with the Coordinated System Plan modeling that determined the need for the upgrade. The Midwest ISO total load impacts will be allocated to MISO and the PJM total load impacts will be allocated to PJM. PJM and MISO will then reallocate their shares internally in accordance with their respective tariffs. By calculating the impacts in this manner, the RTOs will ensure that the relative contribution of each RTO (including both the aggravating and benefiting contributions of generation and load patterns within each RTO) to the need for a particular upgrade, is appropriately captured in the ensuing allocations, and that the allocation is consistent with the Coordinated System Plan modeling that determined the need for the upgrade.

(b) Method for Non-Thermal Constraints:

The JRPC will establish an interface, comprised of a number of transmission facilities, to serve as a surrogate for allocation of cost responsibility for non-thermal constraints. The interface will be established such that the aggregate flow on the interface best represents the non-thermal constraint which the CBBRP is proposed to alleviate. Allocation of cost responsibility for the non-thermal

constraint will be determined by applying the procedures described in this Section to the interface serving as a surrogate for the constraint.

(c) Method for Projects that Also Qualify As Interregional Reliability Projects: For an Interregional Project that meets the criteria of both a CBBRP under Section 9.4.3.1.1 and an Interregional Reliability Project under Section 9.4.3.1.2, the cost will be allocated in accordance with the methodology set forth in Section 9.4.3.2.2.

9.4.4.2.2 Cost Allocation for an Interregional Reliability Project:

The cost of an Interregional Reliability Project, selected in the regional transmission plans of both PJM and MISO, will be allocated as follows:

- (i) The share of the costs an Interregional Reliability Project allocated to a region will be determined by the ratio of the present value(s) of the estimated costs of such region's displaced reliability projects as agreed to by the RTOs to the total of the present value(s) of the estimated costs of the displaced reliability projects in both regions that have selected the Interregional Reliability Project in their respective regional plans.
- (ii) For purposes of this subsection, a displaced reliability project's estimated costs shall be determined by PJM and MISO in accordance with their respective procedures for defining project estimated costs. Notwithstanding the foregoing, both RTOs shall work to ensure that their cost estimates for displaced reliability projects are determined in a similar manner. The applicable discount rate(s) used for the MISO region shall be the discount rate proposed by the Transmission Owner that produces the cost estimate for the proposed project. The applicable discount rate(s) used for the PJM region shall be the discount rate included in the assumptions reviewed by the PJM Board of Managers each year for use in the economic planning process.
- (iii) Costs allocated to each region shall be further allocated within each region pursuant to the cost allocation methodology contained in each region's respective regional transmission planning process.

9.4.4.2.3 Cost Allocation for an Interregional Market Efficiency Project:

For Interregional Market Efficiency Projects that meet all of the qualifications in Section 9.4.4.1.2, the applicable project costs shall be allocated to the respective RTOs in proportion to the net present value of the total benefits calculated for each RTO pursuant to Section 9.4.4.1.2.1(a).

9.4.4.2.4 Cost Allocation for an Interregional Public Policy Project:

The cost of an Interregional Public Policy Project, selected in the regional transmission plans of both PJM and MISO, will be allocated as follows:

- (i) The share of the costs for an Interregional Public Policy Project allocated to a region will be determined by the ratio of the present value(s) of the estimated costs of such region's displaced public policy projects to the total of the present value(s) of the estimated costs of the displaced public policy projects in both regions that have selected the Interregional Public Policy Project in their respective regional plans.
- (ii) For purposes of this subsection, a displaced regional public policy project's estimated costs shall be determined by PJM and MISO in accordance with their respective procedures for defining project estimated costs. Notwithstanding the foregoing, both RTOs shall work to ensure that their cost estimates for displaced public policy projects are determined in a similar manner. The applicable discount rate(s) used for the MISO region shall be the discount rate developed by MISO for cost estimates for projects under review by the MISO Board of Directors. The applicable discount rate(s) used for the PJM region shall be the discount rate included in the assumptions reviewed by the PJM Board of Managers each year for use in the economic planning process.
- (iii) Costs allocated to each region shall be further allocated within each region pursuant to the cost allocation methodology contained in each region's respective regional transmission planning process.

9.4.4.3 Determination of Interregional Cost Allocation Share Outside of Coordinated System Plan:

Either RTO may request that a project be tested against the interregional cost allocation criteria during the interim periods between periodic formal releases of the Coordinated System Plan. The RTOs will conduct reviews between the formal cycles on at least an annual basis. Such tests will be performed on the best available joint planning model, as determined by the JRPC.

The joint planning model will be a minimum 5-year horizon case, modeling peak summer conditions, and will be developed by February of each year. It will be based on the current RTEP basecase for PJM and the current MTEP basecase for MISO. The basecase developed by each RTO will be based on documented procedures, which, in turn, will guide the development of the joint RTO planning model. Any disputes that arise will be resolved through the dispute resolution procedures documented in Article XIV. Each year the model will be updated by the RTOs to include changes to long term firm transmission service, load forecast, topology changes, generation additions/retirements and any other relevant system

changes that may have occurred since the previous years' basecase development. The joint RTO planning model will be available to any member of PJM or MISO.

9.4.4.4 Cost Recovery of Interregional Allocation Shares:

The cost recovery of any share of cost of an Interregional Project allocated to either RTO shall be recovered by each RTO according to the applicable tariff provisions of the RTO to which such cost recovery is allocated.

9.4.4.5 Transmission Owners Filing Rights:

Nothing in this Section 9.4 shall affect or limit any Transmission Owners filing rights under Section 205 of the Federal Power Act as set forth in the applicable Tariffs and applicable agreements.

9.4.4.6 Amendments:

The RTOs shall amend Article IX of this Agreement in accordance with the applicable tariffs and/or agreements.

9.4 Allocation of Costs of Network Upgrades.

9.4.1 Network Upgrades Associated with Interconnections.

When under Section 9.3.3 it is determined that a generation or merchant transmission interconnection to a Party's system will have an impact on the Affected System such that Network Upgrades shall be made, the upgrades on the Affected System shall be paid for in accordance with the terms and conditions of the Party's OATT.

9.4.2 Network Upgrades Associated with Transmission Service Requests.

When under Section 9.3.4 it is determined that the granting of a long-term firm delivery service request with respect to a Party's system will have an impact on the Affected System such that Network Upgrades shall be made, the upgrades on the Affected System shall be paid for in accordance with the terms and conditions of the Party's OATT.

9.4.3 Network Upgrades Associated with Incremental Auction Revenue Rights Requests.

When under Section 9.3.5 it is determined that the granting of an Incremental ARR request with respect to a Party's system will have an impact on the Affected System such that Network Upgrades shall be made, the upgrades on the Affected System shall be paid for in accordance with the terms and conditions of the Affected System's tariff provisions.

9.4.4 Network Upgrades Under Coordinated System Plan.

The Coordinated System Plan will identify Interregional Projects as: (i) Cross-Border Baseline Reliability Projects ("CBBRP"), (ii) Interregional Reliability Projects, (iii) Interregional Market Efficiency Projects, and (iv) Interregional Public Policy Projects. Consistent with the applicable OATT provisions, the Coordinated System Plan will designate the portion of the Interregional Project Cost for each such project that is to be allocated to each RTO on behalf of its Market Participants. The JRPC will determine an allocation of costs to each RTO for such Network Upgrades based on the procedures described below. The proposed allocation of costs will be reviewed with the IPSAC and the appropriate multi-state entities and posted on the internet web site of the two RTOs. Stakeholder input will be solicited and taken into consideration by the JRPC in arriving at a consensus allocation of costs.

9.4.4.1 Criteria for Project Designation as an Interregional Project:

Interregional Projects must be: (1) physically located in both the MISO region and the PJM region or (2) physically located wholly in one transmission planning region but jointly determined and agreed upon to provide benefits to the other transmission planning region or both transmission planning regions. These Interregional Projects will be designated in accordance with the following criteria:

9.4.4.1.1 Cross-Border Baseline Reliability Project Criteria:

Projects that meet all of the following criteria will be designated as CBBRPs:

- (i) by agreement of the JRPC, the project is needed to efficiently meet applicable reliability criteria;
- (ii) the project must be a baseline reliability project as defined under the MISO or PJM Tariffs.

9.4.4.1.2 Interregional Reliability Project Criteria:

An Interregional Reliability Project must:

- (i) be selected both in the MISO and PJM regional planning processes and be eligible for each region's cost allocation process; and
- (ii) by agreement of the JRPC, displace one or more reliability projects in either or both PJM and MISO as defined in their respective tariffs and more efficiently or cost-effectively meet applicable reliability criteria than the displaced reliability project(s).

Through their respective regional planning processes, PJM and MISO respectively will evaluate proposals to determine whether the proposed Interregional Reliability Project(s) addresses reliability needs that are currently being addressed with reliability projects in its regional transmission planning process and, if so, which reliability projects in that regional transmission planning process could be displaced by the proposed Interregional Reliability Project. Reliability projects in the MISO regional transmission planning process include Baseline Reliability Projects and Multi-Value Projects that meet Criterion 3 according to MISO's OATT. MISO and PJM will quantify the benefits of an Interregional Reliability Project based upon the total avoided costs of regional transmission projects included in the then-current regional transmission plan that would be displaced if the proposed Interregional Reliability Project was included in the plan.

9.4.4.1.3 Interregional Market Efficiency Project Criteria:

Interregional Market Efficiency Projects must meet the following criteria:

- (i) is evaluated as part of a Coordinated System Plan or joint study process, as described in Section 9.3.6 of the JOA;
- (ii) qualifies as an economic transmission enhancement or expansion under the terms of the PJM RTEP and also qualifies as a Market Efficiency Project or a Multi-Value Project that meets Multi-Value Project Criterion 2 or Criterion 3 under the terms of Attachment FF of the MISO OATT (including all applicable threshold criteria), provided that any minimum Project Cost threshold required to qualify a project under either

the PJM RTEP or MISO OATT shall apply the Project Cost of the Interregional Market Efficiency Project and not the allocated cost; and

(iii) addresses one or more constraints for which at least one dispatchable generator in the adjacent market has a GLDF of 5% or greater with respect to serving load in that adjacent market, as determined using the Coordinated System Plan power flow model.

9.4.4.1.3.1 Determination of Benefits to Each RTO from an Interregional Market Efficiency Project:

The RTOs shall jointly evaluate the benefits to the combined MISO and PJM markets, and to each market individually, by evaluating multiple metrics using a multi-year analysis to determine whether a proposed project qualified as an Interregional Market Efficiency Project. The RTOs shall perform this evaluation as follows:

- (a) The RTOs shall utilize their respective tariffs' benefit metrics to analyze the anticipated annual economic benefits of construction of a proposed Interregional Market Efficiency Project to Transmission Customers of each RTO.
- (b) The costs applied in the cost allocation calculation pursuant to Section 9.4.4.2.2 shall be the present value, over the same period for which the project benefits are determined, of the annual revenue requirements for the project. The annual revenue requirements for the Interregional Market Efficiency Project are determined from the estimated Interregional Market Efficiency Project installed costs and the fixed charge rate applicable to the constructing transmission owner(s).

To determine the present value of the annual benefits and costs, the discount rate shall be based on the transmission owners' most recent after-tax embedded cost of capital weighted by each transmission owner's total transmission capitalization. Each transmission owner shall provide the RTOs with the transmission owner's most recent after-tax embedded cost of capital, total transmission capitalization, and levelized carrying charge rate, including the recovery period. The recovery period shall be consistent with recovery periods allowed by FERC for comparable facilities.

(c) Using the cost allocated to each RTO pursuant to Section 9.4.4.2.2 of the JOA, each RTO will evaluate the project using its internal criteria to determine if it qualifies as an economic transmission enhancement or expansion under the terms of the PJM RTEP and also qualifies as a market efficiency project under the terms of Attachment FF of the MISO OATT.

9.4.4.1.4 Interregional Public Policy Project Criteria:

Interregional Public Policy Projects must meet the following criteria:

- (i) be selected both in the MISO and PJM regional planning processes and be eligible for each region's cost allocation process; and
- (ii) by agreement of the JRPC, displace one or more regional projects addressing public policy in MISO or one or more public policy projects in PJM as defined in their respective tariffs and more efficiently or cost-effectively meet applicable public policy criteria than the displaced regional project(s).

Through their respective regional planning processes, PJM and MISO respectively will evaluate proposals to determine whether the proposed Interregional Public Policy Project(s) addresses public policy needs that are currently being addressed with public policy projects in its regional transmission planning process and, if so, which public policy projects in that regional transmission planning process could be displaced by the proposed Interregional Public Policy Project. Public policy projects in the MISO regional transmission planning process include Multi-Value Projects that meet Multi-Value Project Criterion 1 under the terms of Attachment FF to MISO's OATT. Public policy projects in the PJM regional transmission planning process include both economic and reliability projects. MISO and PJM will quantify the benefits of an Interregional Public Policy Project based upon the total avoided costs of regional transmission projects included in the then-current regional transmission plan for purposes of cost allocation that would be displaced if the proposed Interregional Public Policy Project was included in the plan.

9.4.4.2 Interregional Project Benefits and Shares:

The Coordinated System Plan shall designate the share of the Project Cost to be allocated to each RTO as set forth in the following subsections:

9.4.4.2.1 Cost Allocation for Cross-Border Baseline Reliability Projects

(a) Method for Thermal Constraints: The Coordinated System Plan shall designate the share of the Project Cost to be allocated to each RTO based on the relative contribution of the combined Load of each RTO to loading on the constrained facility requiring the need for the CBBRP. The loading contribution will be pre-determined using a joint RTO planning model developed and agreed to by the planning staffs of both RTOs. This model will form the basecase from which reliability needs on the combined systems will be determined for the Coordinated System Plan. The model, adjusted for the conditions driving the upgrade needs, will be used to calculate the DFAX for cost allocation purposes for each RTO, using a source of the aggregate of RTO generation (network resources) for each RTO to a sink of all Loads within that RTO. The DFAX is the appropriate distribution factor for

the condition causing the upgrade; OTDF for contingency condition flow criteria violations, and PTDF for normal condition flow criteria violations. The DFAX calculation determines the MW flow impact attributable to each RTO on the constraint requiring the transmission system to be upgraded. The total load of each RTO for the condition modeled is multiplied by the DFAX associated with that RTO to determine the respective MW flow contribution of that RTO to the constraint. The RTOs will quantify the relative impact due to PJM's system and the relative impact due to MISO's system and then will allocate between PJM and MISO the load contributions to the reliability constraint on the system by calculating the relative impacts caused by each RTO. This methodology will determine the extent to which each RTO contributes to the need for a reliability upgrade consistent with the Coordinated System Plan modeling that determined the need for the upgrade. The Midwest ISO total load impacts will be allocated to MISO and the PJM total load impacts will be allocated to PJM. PJM and MISO will then reallocate their shares internally in accordance with their respective tariffs. By calculating the impacts in this manner, the RTOs will ensure that the relative contribution of each RTO (including both the aggravating and benefiting contributions of generation and load patterns within each RTO) to the need for a particular upgrade, is appropriately captured in the ensuing allocations, and that the allocation is consistent with the Coordinated System Plan modeling that determined the need for the upgrade.

(b) Method for Non-Thermal Constraints:

The JRPC will establish an interface, comprised of a number of transmission facilities, to serve as a surrogate for allocation of cost responsibility for non-thermal constraints. The interface will be established such that the aggregate flow on the interface best represents the non-thermal constraint which the CBBRP is proposed to alleviate. Allocation of cost responsibility for the non-thermal constraint will be determined by applying the procedures described in this Section to the interface serving as a surrogate for the constraint.

(c) Method for Projects that Also Qualify As Interregional Reliability Projects: For an Interregional Project that meets the criteria of both a CBBRP under Section 9.4.3.1.1 and an Interregional Reliability Project under Section 9.4.3.1.2, the cost will be allocated in accordance with the methodology set forth in Section 9.4.3.2.2.

9.4.4.2.2 Cost Allocation for an Interregional Reliability Project:

The cost of an Interregional Reliability Project, selected in the regional transmission plans of both PJM and MISO, will be allocated as follows:

- (i) The share of the costs an Interregional Reliability Project allocated to a region will be determined by the ratio of the present value(s) of the estimated costs of such region's displaced reliability projects as agreed to by the RTOs to the total of the present value(s) of the estimated costs of the displaced reliability projects in both regions that have selected the Interregional Reliability Project in their respective regional plans.
- (ii) For purposes of this subsection, a displaced reliability project's estimated costs shall be determined by PJM and MISO in accordance with their respective procedures for defining project estimated costs. Notwithstanding the foregoing, both RTOs shall work to ensure that their cost estimates for displaced reliability projects are determined in a similar manner. The applicable discount rate(s) used for the MISO region shall be the discount rate proposed by the Transmission Owner that produces the cost estimate for the proposed project. The applicable discount rate(s) used for the PJM region shall be the discount rate included in the assumptions reviewed by the PJM Board of Managers each year for use in the economic planning process.
- (iii) Costs allocated to each region shall be further allocated within each region pursuant to the cost allocation methodology contained in each region's respective regional transmission planning process.

9.4.4.2.3 Cost Allocation for an Interregional Market Efficiency Project:

For Interregional Market Efficiency Projects that meet all of the qualifications in Section 9.4.4.1.2, the applicable project costs shall be allocated to the respective RTOs in proportion to the net present value of the total benefits calculated for each RTO pursuant to each RTO's respective tariff.

9.4.4.2.4 Cost Allocation for an Interregional Public Policy Project:

The cost of an Interregional Public Policy Project, selected in the regional transmission plans of both PJM and MISO, will be allocated as follows:

(i) The share of the costs for an Interregional Public Policy Project allocated to a region will be determined by the ratio of the present value(s) of the estimated costs of such region's displaced public policy projects to the total of the present value(s) of the estimated costs of the displaced public policy projects in both regions that have selected the Interregional Public Policy Project in their respective regional plans.

- (ii) For purposes of this subsection, a displaced regional public policy project's estimated costs shall be determined by PJM and MISO in accordance with their respective procedures for defining project estimated costs. Notwithstanding the foregoing, both RTOs shall work to ensure that their cost estimates for displaced public policy projects are determined in a similar manner. The applicable discount rate(s) used for the MISO region shall be the discount rate developed by MISO for cost estimates for projects under review by the MISO Board of Directors. The applicable discount rate(s) used for the PJM region shall be the discount rate included in the assumptions reviewed by the PJM Board of Managers each year for use in the economic planning process.
- (iii) Costs allocated to each region shall be further allocated within each region pursuant to the cost allocation methodology contained in each region's respective regional transmission planning process.

9.4.4.3 Determination of Interregional Cost Allocation Share Outside of Coordinated System Plan:

Either RTO may request that a project be tested against the interregional cost allocation criteria during the interim periods between periodic formal releases of the Coordinated System Plan. The RTOs will conduct reviews between the formal cycles on at least an annual basis. Such tests will be performed on the best available joint planning model, as determined by the JRPC.

The joint planning model will be a minimum 5-year horizon case, modeling peak summer conditions, and will be developed by February of each year. It will be based on the current RTEP basecase for PJM and the current MTEP basecase for MISO. The basecase developed by each RTO will be based on documented procedures, which, in turn, will guide the development of the joint RTO planning model. Any disputes that arise will be resolved through the dispute resolution procedures documented in Article XIV. Each year the model will be updated by the RTOs to include changes to long term firm transmission service, load forecast, topology changes, generation additions/retirements and any other relevant system changes that may have occurred since the previous years' basecase development. The joint RTO planning model will be available to any member of PJM or MISO.

9.4.4.4 Cost Recovery of Interregional Allocation Shares:

The cost recovery of any share of cost of an Interregional Project allocated to either RTO shall be recovered by each RTO according to the applicable tariff provisions of the RTO to which such cost recovery is allocated.

9.4.4.5 Transmission Owners Filing Rights:

Nothing in this Section 9.4 shall affect or limit any Transmission Owners filing rights under Section 205 of the Federal Power Act as set forth in the applicable Tariffs and applicable agreements.

9.4.4.6 Amendments:

The RTOs shall amend Article IX of this Agreement in accordance with the applicable tariffs and/or agreements.