

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

OFFICE OF ENERGY MARKET REGULATION

In Reply Refer To:  
Alabama Power Company  
Georgia Power Company  
Mississippi Power Company  
Duke Energy Carolinas, LLC  
Duke Energy Progress, LLC  
Louisville Gas and Electric Company  
Kentucky Utilities Company  
Dominion Energy South Carolina, Inc.  
Docket Nos. ER21-1111-001  
ER21-1112-001  
ER21-1114-001  
ER21-1115-000  
ER21-1115-001  
ER21-1116-001  
ER21-1117-001  
ER21-1118-001  
ER21-1119-001  
ER21-1120-001  
ER21-1121-001  
ER21-1125-000  
ER21-1125-001  
ER21-1128-000  
ER21-1128-001  
(not consolidated)

Issued: August 6, 2021

McGuireWoods LLP  
2001 K Street, NW  
Suite 400  
Washington, DC 20006

Balch & Bingham LLP  
1710 Sixth Avenue North  
Birmingham, AL 35203

Duke Energy Corporation  
1301 Pennsylvania Avenue, NW  
Washington, DC 20011

LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KY 40202

Dominion Energy, Inc.  
Mail Code C222  
220 Operation Way  
Cayce, SC 29033

Attention: Noel Symons, Esq.  
Counsel for Southern Company Services, Inc. and the other Members of the  
Southeast Energy Exchange Market

Andrew W. Tunnell, Esq.  
Attorney for Southern Company Services, Inc.

Christopher H. Demko, Esq.  
Counsel for Southern Company Services, Inc.

Molly Suda, Esq.  
Associate General Counsel for Duke Energy Corporation

Jennifer Keisling, Esq.  
Senior Counsel for LG&E and KU Energy, LLC

Sara C. Weinberg, Esq.  
Senior Counsel for Dominion Energy, Inc.

Reference: Southeast Energy Exchange Market Proposal and Related Open Access  
Transmission Tariff Revisions

On June 7, 2021, in Docket No. ER21-1111-001, Southern Company Services, Inc., as agent for Alabama Power Company (Alabama Power), acting on behalf of Alabama Power and the other Members of the Southeast Energy Exchange Market (Southeast EEM) (collectively, Filing Parties), submitted its response to Commission staff's May 14, 2021 deficiency letter (Deficiency Response), which included proposed revisions to the Southeast Energy Exchange Market Agreement (Southeast EEM Agreement). In conjunction with the Deficiency Response, each Member of the Southeast EEM that is a transmission service provider with an open access transmission

tariff (OATT) on file with the Commission, including Southern Companies,<sup>1</sup> re-submitted proposed amendments to its respective OATT to offer zero-charge transmission service for Energy Exchange transactions facilitated by the Southeast EEM.<sup>2</sup> Also, each of the other Commission-jurisdictional Members of the Southeast EEM, in conjunction with the Deficiency Response, re-submitted a Certificate of Concurrence.<sup>3</sup>

Please be advised that your submittals are deficient and that additional information is required in order to process the filings. Please provide the information requested below. To the extent that some of the required information may contain confidential material, please submit a non-public version in addition to the public version for Commission review.

1. Filing Parties state in their proposal that Members who are subject to restrictions under the Commission's Standards of Conduct and affiliate restrictions will remain subject to those rules and, for avoidance of doubt, the Southeast EEM Agreement contains prohibitions on sharing transmission function and market information.<sup>4</sup> Please explain how proposed provisions in the Southeast EEM Agreement ensure that Members cannot access competitors' transmission function or commercially sensitive information via reports or information provided by the Administrator or Auditor in the execution of their respective functions.<sup>5</sup>
2. Filing Parties state in their Deficiency Response that confidential information

---

<sup>1</sup> Southern Companies refers, collectively, to Alabama Power, Georgia Power Company (Georgia Power), and Mississippi Power Company (Mississippi Power).

<sup>2</sup> Southern Companies, Filing, Docket No. ER21-1125-001 (filed June 7, 2021); Duke Energy Carolinas, LLC (DEC), Filing, Docket No. ER21-1115-001 (filed June 7, 2021); Dominion Energy South Carolina, Inc. (Dominion Energy SC), Filing, Docket No. ER21-1128-001 (filed June 7, 2021); Louisville Gas & Electric Company (LG&E), Filing, Docket No. ER21-1118-001 (filed June 7, 2021).

<sup>3</sup> Georgia Power, Filing, Docket No. ER21-1119-001 (filed June 7, 2021); Mississippi Power, Filing, Docket No. ER21-1121-001 (filed June 7, 2021); Dominion Energy SC, Filing, Docket No. ER21-1112-001 (filed June 7, 2021); DEC, Filing, Docket No. ER21-1116-001 (filed June 7, 2021); DEC, Filing, Docket No. ER21-1117-001 (filed June 7, 2021); Kentucky Utilities, Filing, Docket No. ER21-1120-001 (filed June 7, 2021); LG&E, Filing, Docket No. ER21-1114-001 (filed June 7, 2021).

<sup>4</sup> Filing Parties February 12 Filing, Transmittal at 31.

<sup>5</sup> See, e.g., PIOs March 15 Limited Protest and Comment at 41.

- will be posted to a dedicated confidential portion of the Southeast EEM website.<sup>6</sup> Filing Parties also propose amending the Southeast EEM Agreement to require each Participant to designate employees who will have access to this portion of the Southeast EEM website. Please explain, using examples as appropriate, whether the availability of redacted documents posted to the confidential portion of the Southeast EEM website will vary depending on the identity of the Participant accessing those documents (e.g., to avoid divulging commercially sensitive information to a Participant's competitors).
3. Filing Parties state that the Administrator and the Auditor will be third-party independent entities.<sup>7</sup> Filing Parties explain further that the Auditor will not be a Member, Participant, Agent, or the Administrator, nor an affiliate of those entities.<sup>8</sup> Please clarify whether the Administrator similarly will not be a Member, Participant, Agent, or affiliate of those entities.

This letter is issued pursuant to 18 C.F.R. § 375.307 and is interlocutory. This letter is not subject to rehearing under 18 C.F.R. § 385.713. A response to this letter must be filed with the Secretary of the Commission within 10 days of the date of this letter by making a deficiency filing in accordance with the Commission's electronic tariff requirements. For your response, use Type of Filing Code 170 if your company is registered under program code "M" (Electric Market Based Rate Public Utilities) or Type of Filing Code 180 if your company is registered under program code "E" (Electric Traditional Cost of Service and Market Based Rates Public Utilities).<sup>9</sup> In addition, submit an electronic version of your response to John Miller at john.miller@ferc.gov. The information requested in this letter order will constitute an amendment to your filing and a new filing date will be established.<sup>10</sup> A notice will be issued upon receipt of your

---

<sup>6</sup> Deficiency Response at 27-32.

<sup>7</sup> Filing Parties February 12 Filing, Transmittal at 16-18.

<sup>8</sup> Filing Parties July 14 Answer at 14-15.

<sup>9</sup> The filing must include at least one tariff record to restart the statutory timeframe for Commission action even though a tariff revision might not otherwise be needed. *See generally Electronic Tariff Filings*, 130 FERC ¶ 61,047, at PP 3-8 (2010) (explaining that the Commission uses the data elements resulting from the tariff filing process to establish statutory filing and other procedural dates).

<sup>10</sup> *See Duke Power Co.*, 57 FERC ¶ 61,215, at 61,713 (1991) ("the Commission will consider any amendment or supplemental filing filed after a utility's initial filing . . . to establish a new filing date for the filing in question").

filing.

Pending receipt of the above information, a filing date will not be assigned to your filing. Failure to respond to this letter order within the time period specified may result in a further order rejecting your filing.

Issued by: Kurt M. Longo, Director, Division of Electric Power Regulation – East