

Tariff, Part VIII, Subpart H, section 435
Upgrade Requests

A. Applicability

Tariff, Part VIII, Subpart H, section 435 applies to valid Upgrade Requests submitted on or after October 1, 2020, and sets forth the procedures and other terms governing the Transmission Provider's administration of Upgrade Requests for Upgrade Customers; procedures and other terms regarding studies and other processing of Upgrade Requests; the nature and timing of the agreements required in connection with the studies and construction of required facilities; and terms and conditions relating to the rights available to Upgrade Customers.

...

G. Upgrade Customer Final Agreement Negotiation Phase

- a. Transmission Provider shall use Reasonable Efforts to complete the Final Agreement Negotiation Phase within 60 days of the start of such Phase. The Final Agreement Negotiation Phase shall commence on the first Business Day immediately following the tendering of the Facilities Study. The purpose of the Final Agreement Negotiation Phase is to negotiate and enter into a final Upgrade Construction Service Agreement found in Tariff, Part IX, Subpart E; conduct any remaining analyses or updated analyses and adjust the Security obligation based on higher priority Upgrade Request(s) withdrawn during the Final Agreement Negotiation Phase. If the 60th day does not fall on a Business Day, the phase shall be extended to end on the next Business Day.

- i. If an Upgrade Request is withdrawn during the Final Agreement Negotiation Phase, the Transmission Provider shall remove the Upgrade Request from the upgrade study process, and adjust the Security obligations of other Upgrade Requests based on the withdrawal.

- b. Final Agreement Negotiation Phase Procedures. The Final Agreement Negotiation Phase shall consist of the following terms and procedures:

Transmission Provider shall provide in electronic form a draft Upgrade Construction Service Agreement to the parties to such agreement prior to the start of the Final Agreement Negotiation Phase.

- i. Security is required within 30 days of the Transmission Provider's issuance of the draft Upgrade Construction Service Agreement (a form of which is located in Tariff, Part IX, Subpart E). If the 30th day does not fall on a Business Day, the security due date shall be extended to end on the next Business Day. Notwithstanding the foregoing, Upgrade Customer shall be exempt from providing Security where Upgrade Customer and Transmission Owner are the same Vertically Integrated Utility.

...