*Draft* WestConnect Regional Transmission Planning Procedure – Developer Selection Process

Planning Procedure Effective Date: Month Day, Year

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# Overview

This document describes in detail the procedure to be undertaken by the WestConnect Planning Management Committee (PMC) for selecting a transmission project developer for projects selected into the Regional Transmission Plan (Regional Plan) for purposes of cost allocation. The Transmission Developer Selection Process (TDSP) will commence following approval of the Regional Plan if a project(s) has been approved in the plan for purposes of cost allocation, and so long as the selection of a developer does not violate applicable law where the transmission facility is to be built that otherwise prescribes the entity that will develop and build the project[[1]](#footnote-1).

This procedure provides guidance regarding when and how the PMC will solicit from among Eligible Developers[[2]](#footnote-2) those who may be interested in developing the project(s) selected into the Regional Plan for purposes of cost allocation, subsequently issue a Request for Proposals (RFP) for each applicable project, evaluate the proposals submitted, and finally, seek to select an Eligible Developer to develop the projects responsive to each RFP. If the PMC determines that a project fails to secure a developer through this process, the PMC will remove the project from the Regional Plan and the PMC will proceed with reevaluating the Regional Plan in the subsequent planning cycle to seek an alternative solution.

The PMC will utilize an Independent Evaluator to assist in developing the RFP for each project selected into the Regional Plan for purposes of cost allocation, to evaluate proposals submitted in response to each RFP, and to make a recommendation back to the PMC regarding which developer, if any, should be selected for each applicable project. Project beneficiaries, as identified in the WestConnect regional cost allocation process, will serve an advisory role in the development of the request for information and RFP for each project selected into the Regional Plan for purposes of cost allocation. The PMC has final decision-making authority over the WestConnect Regional Planning Process and will be the entity responsible for selecting a transmission developer for the projects selected into the Regional Plan for purposes of cost allocation.

An overview of the Developer Selection Process is provided in Table 1 and Figure 1.

Table 1: Draft Developer Selection Process Steps (dated 12/19/2016)

| **Process Step** | **Responsible Parties** | **Est. Timeline:** |
| --- | --- | --- |
| **Create pool of independent evaluators (IE)****Initiate Phase 2 of IE selection process (i.e. solicit specific bids from IE pool)** | PMCPMC | May-Oct Year 2 of planning cycleUpon posting the *draft* Regional Transmission Plan |
| **Issue RFI for project(s) selected into the Regional Plan for purposes of cost allocation****RFI responses due****Post list of “interested developers”** | PMC drafts and issues RFIEligible developers (must identify proposed partnerships)PMC | Within 15 days of posting the *final* Regional Transmission Plan30 days following issuance of RFI7 days following RFI deadline |
| **Select an IE for the given planning cycle****Present project(s) selected into the Regional Plan for purposes of cost allocation to the IE** | PMC PMC with involvement from the Beneficiaries  | Within 30 days following Developer Selection RFI deadlineWithin 15 days of selecting the IE |
| **Issue RFP****RFP responses due****Bids reviewed for completeness****Opportunity to cure deficiencies** | Independent evaluator drafts RFPPMC issues RFPInterested developersIndependent evaluatorDevelopers | 60 days following Developer Selection RFI deadline90 daysWithin 30 days following bid deadline14 days following notification of missing information |
| **Bid evaluations** | Independent evaluator | 120 days following review for completeness |
| **Developer selection recommendation to PMC****Developer selected****Post document explaining why a developer was/was not selected** | Independent evaluatorPMCIndependent evaluator and PMC | Within 14 days following the end of the bid evaluation periodNext PMC meeting, no less than 30 days and more than 45 days following receipt of final recommendationsWithin 60 days of selecting a developer  |
| **Forward project development schedule to PMC**  | Selected developer | Within 30 days of notifying selected developer |

Figure 1: Draft Developer Selection Process Timeline (dated 12/19/16)



# Eligible Projects

The PMC will carry out the TDSP for any project determined by the PMC to be eligible for regional cost allocation and selected in the Regional Plan for purposes of cost allocation, so long as the selection of a developer does not violate applicable law where the transmission facility is to be built that otherwise prescribes the entity that will develop and build the project.

# Independent Evaluator

The PMC will utilize an Independent Evaluator (IE) to assist in developing the RFP for each project selected into the Regional Plan for purposes of cost allocation, to evaluate proposals submitted in response to each RFP, and to make a recommendation back to the PMC regarding which developer, if any, should be selected for each applicable project. The PMC will select an IE to be utilized in a given planning cycle from among a pool of IEs previously identified by the PMC.

## Pool of Independent Evaluators

The PMC will establish a pool of IEs and will subsequently select a single IE to assist with the developer selection process under the direction of the PMC for a given planning cycle. The PMC will establish a pool of IEs during Year 2 of the regional planning cycle following the identification of regional transmission needs and only if one or more projects are submitted in the subsequent project submittal window that are proposed to meet an identified regional need and seeking cost allocation. The process to identify a pool of IEs should be initiated no later than May 1 of Year 2 of the regional planning cycle such that service agreements can be put into place with each IE selected for the pool no later than November 1 of Year 2 of the regional planning cycle. The PMC will solicit the following information, at a minimum, from interested firms to develop a pool of firms capable of serving as the IE.

* General billing rates of staff proposed to conduct bid evaluations
* General qualifications and experience of the proposed staff related to:
	+ Evaluating competitive bids for energy infrastructure development
	+ Evaluating WestConnect’s specific developer selection evaluation criteria (e.g. as related to the design, construction, O&M, financing, etc. of transmission facilities)
	+ Direct energy infrastructure development
* Potential COI with WestConnect’s current list of Eligible Transmission Developers and any transmission projects currently under development in the WestConnect Planning Region[[3]](#footnote-3).

Once the PMC has established a pool of firms capable of serving as the IE, the PMC may choose to retain those firms into subsequent planning cycles through a recertification process whereby the PMC asks each firm previously selected for the pool to certify that they continue to maintain the experience and capabilities previously reported. Any potential conflicts of interest should be reported at this time to enable the PMC to determine if additional or new firms should be added to the pool.

## Selecting an Independent Evaluator

Upon posting of the draft Regional Plan, and if one or more projects have been selected in the draft Regional Plan for purposes of cost allocation, the PMC will continue its efforts to select a single IE to assist in the TDSP for the given planning cycle. To enable the PMC to select a single IE from among the pool of IEs previously established, the PMC will seek the following information, at a minimum, from among its pool of IEs.

* Proposed schedule and budget for assisting in the TDSP for the given planning cycle given the particular projects selected in the Regional Plan for purposes of cost allocation
* Particular experience related to the specific project(s) selected in the Regional Plan for purposes of cost allocation (e.g. experience related to the technical characteristics of the project(s) or specific experience in the state and/or service territories in which the project(s) is to be located)
* Identification of any COI with WestConnect’s current list of Eligible Transmission Developers and/or any of the transmission projects selected in the Regional Plan for purposes of cost allocation.

The PMC will select a single IE to assist in the TDSP once the PMC has performed a final COI check against the pool of IEs and those Eligible Developers who have responded to the Developer Selection RFI (including any developers an Eligible Developer proposes to partnership with in its Developer Selection bid). The PMC will select the IE no later than 30 days following the Developer Selection RFI deadline.

The PMC, with involvement from the beneficiaries identified for a given project selected in the Regional Plan for purposes of cost allocation, will present each project subject to the TDSP to the IE selected to assist with the TDSP in the given planning cycle. These project presentations will be made in open meetings and will occur within fifteen (15) days of the PMC making its final selection of an IE for the given planning cycle. The purpose of these presentations will be to inform the IE of key project characteristics including the in-service date needed to ensure the project meets the identified regional transmission need, and the benefit-to-cost ratio calculated for the project such that it was selected by the PMC for purposes of cost allocation. The PMC may wish to also inform the IE of any special considerations that should be taken into account in the evaluation of potential Eligible Developers such as specific design requirements for facilities that are to be constructed within a particular beneficiary’s service territory, and key selection factors that should be utilized in Phase 2 of the bid evaluation process (see Phase 2 Evaluation Criteria).

# Identification of Interested Developers

Within fifteen (15) days of approving the Final Regional Plan, the PMC will issue a request for information (RFI) for each project selected in the Regional Plan for purposes of cost allocation to all Eligible Developers soliciting their interest in developing such project(s). Responses to each RFI will be due no later than thirty (30) days following the issuance of the RFI. The PMC will post a list of all Eligible Developers responding to an RFI to the WestConnect website within seven (7) days following the RFI deadline.

# Request for Proposals

The Independent Evaluator identified to assist in the TDSP for a given planning cycle will draft an RFP to be released for each project selected in the Regional Plan for purposes of cost allocation. Within sixty (60) days following the RFI deadline, the PMC will issue this RFP to each Eligible Developer that responded to the RFI for the given project. The window for RFP responses will stay open for no less than ninety (90) days.

# Process for Submitting Project Proposals

Proposals to finance, construct, own, operate and maintain projects selected in the Regional Plan for purposes of cost allocation will only be considered if the project sponsor satisfactorily submits the following by the specified bid window closing date:

* $TBD application deposit
* Project sponsor application

An Eligible Developer must submit a separate deposit and application in response to each RFP released by the PMC for the TDSP. The PMC must receive both the application and deposit by the bid window closing date or the proposal will not be accepted.

## Project Proposal Fee

Project sponsors are responsible for all actual costs on a pro rata basis that the PMC incurs in selecting an Eligible Developer through the TDSP. This includes the cost of the IE that the PMC will engage to assist with the selection process. Cost cap?

### Deposit

An Eligible Developer is required to pay a deposit of $TBD (USD) to the PMC with the submission of each project sponsor application. Instructions for payment will be included in the application. As noted before, if the Eligible Developers fails to pay the deposit by the bid window closing date, the application will be considered incomplete and will not be considered.

### Reconciliation of Costs

Within TBD days of notifying developers of its determination as to which bid was selected for a given project, the PMC will determine each project sponsor’s costs in evaluating the applications and selecting a developer for each project. The PMC will refund or charge each project sponsor the difference between its costs, not to exceed $TBD?, and the deposit. If a refund is owed to the project sponsor, the refund shall include interest with such interest calculated in accordance with section 35.19a(a(2) of FERC’s regulations. *(This is from the tariffs for project submittals and continues to say, “A description of the costs to which the deposit was applied, how the costs were calculated, and an accounting of the costs will be provided to each project sponsor”…should we include this?)*

## Opportunity for Collaboration

Intentions to collaborate on RFP responses, in the form of a joint bid between two or more developers, must be made known in an Eligible Developer’s response to the RFI released for the purposes of identifying all Interested Developers for a given project selected in the Regional Plan for purposes of cost allocation. Non-qualified entities (i.e. entities that have not been identified as an Eligible Developer through the Developer Qualification Process) can participate with qualified entities (Eligible Developers) on a collaborative proposal if the qualified entity assumes the liability for the entire proposal team.

## Project Sponsor Application

All Eligible Developers who have received the RFP for a project selected in the Regional Plan for purposes of cost allocation must submit a completed application form per the instructions provided in the PMC notice to the developer. The PMC will acknowledge receipt of the application to the project sponsor within five (5) days.

### Contents of Project Sponsor Applications

The project sponsor shall provide the information requested in the application, and any additional information subsequently requested by the IE that the IE finds relevant to the evaluation of the application[[4]](#footnote-4). To the extent a project sponsor considers any of the information submitted with its application to be confidential or proprietary, such information must be clearly identified and must include an explanation as to why the information should be handled by the IE as confidential.

The project sponsor application contains questions intended to collect the following general information from the project sponsor that will collectively evidence the sponsor’s capabilities relative to the bid evaluation and selection criteria (see Proposal Evaluations).

* Detailed proposed project description and route
* Design parameters, including
	+ Expected electrical loses, and
	+ Design alternatives considered to facilities/equipment
* Design life of equipment and facilities
* Detailed staff and third-party contractor strength (including relevant experience and capabilities) proposed for the development and construction of the project (proof of definitive agreements with third-party contractors is required)
* Proposed schedule for development and completion of the project and the demonstrated capability to meet that schedule
* Detailed project development and construction plan addressing the following areas:
	+ Capital procurement for project funding
	+ Project management (including cost and schedule control)
	+ Transmission line routing studies and/or substation siting studies
	+ Regulatory permitting (state and federal) including preparation, filing, legal support, and testimony.
	+ Right-of-way (ROW) and other real estate acquisition abilities, including procedures and historic practices exhibiting sound ROW and land management, particularly as it relates to siting or routing transmission facilities through environmentally sensitive areas and mitigation thereof.
	+ Preliminary engineering, design, and land surveying for regulatory filing and routing study support
	+ Detailed engineering, design, and land surveying for the final design package
	+ Material Bidding and Procurement
	+ Construction
	+ Commissioning and Testing
* Capabilities and plan for project operations
* Reliability of facilities already in operation
* Capabilities and plan for project maintenance (including staffing, equipment, crew training, and facilities)
* Security program and plan
* Storm/outage response plan
* Past performance records for restorations and maintenance
* Safety program (internal and third-party contractor) and safety performance records
* Financing plan (sources of debt and equity), including construction financing and long-term financing
* Ability to finance restoration/forced outages
* Credit ratings
* Financial statements
* Information showing the sponsor’s ability to assume liability for major losses resulting from failure of, or damage to, the transmission facility
* Total project cost (development, construction, financing, and other non-O&M costs)
* Operation and maintenance costs, including evaluation of electrical losses
* Revenue requirement, including proposed cost of equity, FERC incentives, proposed cost of debt and total revenue requirement calculation
* Present value cost of project to beneficiaries
* Plans for cost containment and demonstrated cost containment capability

### Application Review for Completeness

Within thirty (30) days of the RFP response deadline, the designated IE will review the application for completeness and validate whether the application contains sufficient information to conduct an evaluation and selection of a developer for the given project. The IE will inform the applicant(s) by e-mail whether the application is complete or whether additional information is required. An Eligible Developer that is notified that an application does not include all the necessary information will have fourteen (14) days from the date of such notification to submit the requested information. Any application that does not include all the necessary data and information at the expiration of the fourteen (14) day period will not be further considered in the process.

# Proposal Evaluations

Project sponsor applications will be evaluated by the IE selected by the PMC for a given planning cycle (see Independent Evaluator). The evaluation of the applications will take no more than one hundred and twenty (120) days following an application’s review for completeness. The IE will submit to the PMC a final recommendation report within fourteen (14) days following the end of the previously stated evaluation period.

Proposal evaluations will be conducted in two phases. The first phase of the evaluation process will consist of a qualitative assessment of a project sponsor’s capabilities to develop, finance, build, own, operate, and maintain the transmission facilities selected into the Regional Plan for purposes of cost allocation. If only a single Eligible Developer responds to an RFP released for a project selected into the Regional Plan for purposes of cost allocation, only this first phase of the evaluation process will be undertaken by the IE.

## Phase 1 Evaluation Criteria

The first phase of the evaluation process will seek to determine whether the project sponsor is sufficiently capable of developing, financing, building, owning, operating, and maintaining a specific transmission facility selected in the Regional Plan for purposes of cost allocation according to the following criteria, broken down by relevant category:

* Project Design
	+ Does the proposed project design meet the regional transmission need consistent with the project as defined in the Regional Plan?
	+ Does the proposed project design satisfy all applicable reliability standards and criteria (e.g. NERC standards, WECC criteria, beneficiary-specific reliability standards or criteria)?
* Project Cost and Financing
	+ What is the proposed cost to design, construct, operate, and maintain the project?
	+ Does the proposed cost of the facility result in a cost-to-benefit ratio (CBR) greater than or equal to the CBR of the project as defined in the Regional Plan?
	+ Has the Eligible Developer demonstrated that it has sufficient financial resources to develop, build, operate and maintain the project?
* Development of Project and Construction
	+ Has the Eligible Developer demonstrated that it has assembled, or has a plan to assemble, a sufficiently-sized team with the manpower, equipment, knowledge and skill required to license, design, engineer, procure material and equipment, site and route, acquire Right-of- Way (ROW), project manage, and construct the project?
	+ Is the proposed scheduled for development and completion of the project consistent with the need date identified for the facility in the Regional Plan, and has the Eligible Developer demonstrated that it is capable of adhering to the schedule?
	+ Can the Eligible Developer demonstrate that it has the ability to assume liability for major losses resulting from failure of any part of the facilities associated with the transmission project?
	+ Does the Eligible Developer and its team meet applicable state requirements and/or beneficiary policies related to diversity?
* Operations and Maintenance
	+ Has the Eligible Developer demonstrated that it is capable (i.e. with regard to staffing and expertise) to undertake the operation and maintenance of the project in a manner that is consistent with Good Utility Practice and applicable reliability criteria?

In the event only a single Eligible Developer responds to an RFP released for a project selected in the Regional Plan for purposes of cost allocation, the IE will base its recommendation to the PMC as to whether or not the Eligible Developer has sufficiently demonstrated that it is capable of developing, financing, building, owning, operating, and maintaining the particular transmission facility based on only Phase 1 of the evaluation process. If two or more Eligible Developers respond to the RFP for a project selected in the Regional Plan for purposes of cost allocation but have all failed to adequately demonstrate to the IE that they are sufficiently capable of developing, financing, building, owning, operating, and maintaining the particular transmission facility at the conclusion of Phase 1 of the evaluation process, the IE will present its findings to the PMC and this will conclude the TDSP. However, if at least two Eligible Developers demonstrate that they are sufficiently capable of developing, financing, building, owning, operating, and maintaining a particular transmission facility selected in the Regional Plan for purposes of cost allocation, the IE will proceed with Phase 2 of the evaluation process.

## Phase 2 Evaluation Criteria

Phase 2 of the evaluation process will focus on quantitive aspects of the evaluation criteria considered in Phase 1 and project-specific experience and demonstrated capabilities so as to enable the IE to perform a comparative assessment of competing proposals. The purpose of Phase 2 is to select from among those Eligible Developers determined to be capable of developing, financing, building, owning, operating, and maintaining a specific transmission facility selected in the Regional Plan for purposes of cost allocation the single developer who is best able to complete these tasks in a cost-effective, efficient, prudent, reliable, and capable manner. To conduct this comparative assessment the IE will consider a number of selection factors, as more fully described below, and will assign a score to individual criteria categories based on these selection factors such that an ultimate proposal score can be determined and compared against competing proposals. The proposal with the highest overall score following Phase 2 of the evaluation process will form the basis of the IE’s recommendation to the PMC as to which Eligible Developer should be selected for a given project selected in the Regional Plan for purposes of cost allocation.

The major criteria categories utilized in Phase 2 of the evaluation process and the weighting of a category’s points relative to the other categories will be as follows:

|  |  |
| --- | --- |
| Criteria Category | Weighting |
| Cost | 50% |
| Project Plan | 25% |
| Operations and Maintenance | 10% |
| Financing | 10% |
| Planning Participation | 5% |

The IE will consider the following selection factors under each criteria category in order to develop a score for the given criteria category.

### Cost

Selection factors considered in developing the score for the Cost criteria category will include:

* total project cost (development, construction, financing, and other non-O&M costs)
* operation and maintenance costs, including evaluation of electrical losses
* revenue requirement, including proposed cost of equity, FERC incentives, proposed cost of debt and total revenue requirement calculation
* present value cost of project to beneficiaries
* plans for cost containment and demonstrated cost containment capability

### Project Plan

Selection factors considered in developing the score for the Project Plan criteria category will include:

* Proposed schedule for development and completion of the project and demonstrated ability to meet that schedule
* Expected electrical losses (design efficiency)
* Estimated life of construction
* Existing rights-of-way or substations that could be utilized for the project
* Technical and engineering qualifications and experience of the proposed staff and third-party contractor support
* Expertise and demonstrated capabilities in the following areas: environmental, ROW acquisition, procurement, construction, commissioning, safety, and reliability/compliance

To the extent a specific project's characteristics necessitates an emphasis be placed on particular selection factors in the Project Plan criteria category, the PMC may inform the IE of these priorities prior to the release of the RFP for a project selected in the Regional Plan for purposes of cost allocation*….PMC picks the “key” selection factors in this category that the IE is supposed to use to generate the score. OK or other possible approach?*

### Operations and Maintenance

Selection factors considered in developing the score for the Operations and Maintenance criteria category will include:

* Control center operations (i.e. staffing and facilities)
* Reliability of facilities already in operation
* Past restoration performance
* Maintenance staffing and training
* Past maintenance performance
* Safety performance record

### Financing

Selection factors considered in developing the score for the Financing criteria category will include:

* Financing plan, including construction financing and long-term financing
* Ability to finance restoration/forced outages
* Material conditions
* Expected financial leverage
* Debt covenants
* Projected liquidity
* Dividend policy
* Cash flow analysis
* Credit ratings

### Planning Participation

A proposal will be awarded five (5) percent of the total possible proposal score if the Eligible Developer submitted a project proposal into the Regional Planning Process during the project submission window in response to any identified regional need (i.e. reliability, economic, or public policy), so long as the project that was submitted is confirmed through the study process to meet the regional need for which the project was submitted. The Developer’s project need not have been selected as the more efficient or cost-effective solution to a need in order to be granted the points for the Planning Participation criteria category.

# Notifying Selected Developer(s) and Selection Report

The PMC will vote to approve a developer for each project selected in the Regional Plan for purposes of cost allocation no less than thirty (30) days and no more than forty-five (45) days following receipt of the final recommendation report from the IE. The PMC will notify the developers responsive to each RFP of its determination as to which developer(s) it selected to develop the project(s). If the PMC determines that none of the bids received in response to an RFP identify a developer capable of developing the project, the PMC will remove the project from the Regional Plan and the PMC will proceed with reevaluating the Regional Plan in the subsequent planning cycle to seek an alternative solution.

Within sixty (60) days of making its determination regarding developer selection for projects selected in the Regional Plan for cost allocation, the PMC will post a document to the WestConnect website explaining the PMC’s determination in selecting a particular transmission developer for a specific transmission project. This document will explain the reasons why a particular developer was selected or not selected, and, if applicable, the reasons why a transmission project failed to secure a transmission developer.

# Project Development Schedule

Following approval of a selected developer for a project selected in the Regional Plan for purposes of cost allocation the selected developer must forward to the PMC the project development schedule as it was submitted in their RFP response. This project development schedule must indicate the required steps, such as granting of state approvals , necessary to develop and construct the transmission project such that it meets the regional transmission needs of the WestConnect planning region. The PMC will not be responsible for managing the development of any project selected for inclusion in the Regional Plan, however, the PMC will monitor the status of a project’s development in accordance with the process for reevaluating the Regional Plan in subsequent planning cycles.

Following conclusion of the TDSP obligations shift to the selected developer and the identified project beneficiaries to move forward with the mechanics of project development, which may involve entering into agreements and/or filing for cost recovery under Section 205 of the Federal Power Act, as applicable.  That filing would likely be supported by the materials produced by the PMC (e.g. selection of the project into the Regional Plan, cost allocations, developer selection decisions).  FERC, under the 205 filing and as applicable, has ultimate approval authority over cost allocation assignments and approvals for cost recovery.

Up until such time as all of the criteria have been met to no longer obligate the PMC to reevaluate a project selected in the Regional Plan, the PMC may adjust its findings related to selection of project for purposes of cost allocation, including cost allocation assignments.  Any of these adjustments would affect the material supporting a project in a 205 filing (and/or may have an impact on any agreements that may have been entered into between the project beneficiaries and the selected developer, but this is outside the scope of the regional planning process).

1. The procedures described within this document are intended to aid in the implementation of the Open Access Transmission Tariffs of the jurisdictional Transmission Owner members of the WestConnect Planning Management Committee, and in particular, the process as it’s described in the section entitled “Selection of a Transmission Developer for Sponsored and Unsponsored Projects” of the Transmission Owners’ FERC Order 1000 tariff filings. [↑](#footnote-ref-1)
2. An Eligible Developer is a transmission developer who has been determined by the PMC to be eligible to use the regional cost allocation methodology for a transmission project selected into the Regional Plan for purposes of cost allocation. This determination is made prior to the Transmission Developer Selection Process through the [WestConnect Transmission Developer Qualification Process](https://doc.westconnect.com/Documents.aspx?NID=17184). [↑](#footnote-ref-2)
3. Placeholder for COI definition, in the context of the IE/developer selection process [↑](#footnote-ref-3)
4. Any requests for additional information made by the Independent Evaluator to a project sponsor will be made in writing and a record of all such requests for additional information will be documented and made available for public review. (is this the common practice, and appropriate language?) [↑](#footnote-ref-4)