195 FERC ¶ 61,192
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Laura V. Swett, Chairman;
David Rosner, Lindsay S. See,
Judy W. Chang, and David LaCerte.

Campbell County Wind Farm 2, LLC — Docket No. ER26-1996-000

ORDER GRANTING WAIVER REQUEST

(Issued June 5, 2026)

1. On March 31, 2026, pursuant to Rule 207(a)(5) of the Commission's Rules of Practice and Procedure,[1] Campbell County Wind Farm 2, LLC (Campbell) filed a request for waiver of: (1) section 4.4.5 of Attachment V (Generator Interconnection Procedures (GIP)) of Southwest Power Pool, Inc.'s (SPP) Open Access Transmission Tariff (Tariff); and (2) Articles 2.3.2 and 11.2 of Campbell's second Amended and Restated Generator Interconnection Agreement (GIA) among Campbell as interconnection customer, Western Area Power Administration-Upper Great Plains Region (WAPA-UGP) as transmission owner, and SPP as transmission provider (Campbell GIA). Campbell requests that the Commission grant waiver to allow for a 24-month extension of the commercial operation deadline for its wind generating facility (Project), from December 31, 2026 to December 31, 2028.[2] As discussed below, we grant Campbell's waiver request.

I. Background

2. GIP section 4.4.5 provides, in relevant part, that:

> After a GIA is executed or requested to be filed unexecuted, the Commercial Operation Date reflected in the GIA shall be used to calculate the permissible extension. Such cumulative extensions may not exceed three years including both extensions requested after execution of the GIA by Interconnection Customer or the filing of an unexecuted GIA by Transmission Provider and those requested prior to

[1] 18 C.F.R. § 385.207(a)(5) (2025).

[2] Waiver Request at 1, 17.

> execution of the GIA by Interconnection Customer or the filing of an unexecuted GIA by Transmission Provider. Extensions of more than three (3) cumulative years of the Commercial Operation Date of the Generating Facility are deemed to be a Material Modification.[3]

3. Article 2.3.2 of the Campbell GIA provides, in relevant part, that:

> If the Generating Facility fails to achieve Commercial Operation for three (3) consecutive years following the Commercial Operation Date, this GIA may be terminated by the Transmission Provider after giving the Interconnection Customer ninety (90) Calendar Days advance written notice.[4]

4. Article 11.2 of the Campbell GIA provides that:

> Interconnection Customer shall install the Generating Facilities described in Appendix C within three (3) years of the Commercial Operation Date(s) specified in Appendix B.[5]

5. Pursuant to GIP section 4.4.5 and Articles 2.3.2 and 11.2 of the Campbell GIA, SPP may terminate the Campbell GIA if the Project fails to reach commercial operation by December 31, 2026.[6]

6. Campbell states that the Project is a 98.6 MW wind generating facility located in Campbell County, South Dakota. Campbell explains that the Project will interconnect to the WAPA-UGP transmission system that is operated by SPP.[7]

7. Campbell argues that it has worked diligently to develop the Project since it entered SPP's interconnection queue in 2016. Campbell states that it executed its first GIA with SPP and WAPA-UGP on May 19, 2021, and it later executed amended and restated GIAs on August 23, 2022 and December 1, 2023. Campbell states that it sought

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[3] SPP, Tariff, attach. V, § 4 (15.0.0), § 4.4.5. Capitalized terms used but not otherwise defined in this order have the meanings ascribed to them in the Tariff.

[4] Campbell GIA, art. 2.3.2.

[5] *Id.*, art. 11.2.

[6] Waiver Request at 3.

[7] *Id.* at 5.

to modify its interconnection request, and although it executed a modification request impact study agreement on January 23, 2025 to assess whether the proposed modification was a material modification, the study results were delayed for reasons outside of Campbell's control. Campbell explains that on June 2, 2025, it received the modification request impact study results, which found that the proposed modification was not a material modification, and the Project could maintain its queue position. However, Campbell states that there was insufficient remaining time to complete long-lead equipment procurement and subsequent construction before December 31, 2026.[8]

8. Campbell asserts that it has invested over $6.8 million toward the development of the Project, which includes securing and maintaining 12,685 acres of site control, conducting environmental studies, and completing engineering studies and designs. Campbell states that it has also coordinated with WAPA-UGP to identify all necessary transmission network upgrades and has fully committed to funding them according to the milestones established in the Campbell GIA.[9] Campbell contends that it has been unable to adhere to the target construction timeline for the Project due to compounding uncertainties resulting from transmission planning changes, recent federal policy changes, and continuing supply chain challenges and delays initiated by the COVID-19 pandemic and, therefore, Campbell will not be able meet the current December 31, 2026 commercial operation deadline.[10]

9. Specifically, Campbell asserts that the COVID-19 pandemic slowed land acquisition efforts for the Project beginning in 2020 due to widespread implementations of new industry safeguards and guidelines, such as suspension of typical meetings by land agents and the required use of alternative strategies to meet safely with landowners. Campbell states that it was able to maintain SPP site control requirements despite these delays and eventually took expedited actions to secure the required real estate rights for all necessary facilities by 2024. Campbell argues that these delays in securing land rights impacted other Project milestones, contributing to Campbell's inability to meet the current commercial operation deadline.[11]

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[8] *Id.*

[9] *Id.* at 5-6.

[10] *Id.* at 6.

[11] *Id.*

10. Campbell states that in June 2021, approximately one month after executing its first GIA on May 19, 2021, it hired a consultant to assist with completing the federal environmental review process under the National Environmental Policy Act (NEPA).[12] Campbell explains that the federal process for the environmental assessment of the Project is overseen by the Western Area Power Administration (WAPA), of which WAPA-UGP is a subdivision, with consultation from the United States Fish and Wildlife Services (USFWS) and the United States Environmental Protection Agency (EPA). Campbell states that it paused its environmental assessment in July 2021 when it received a notice from SPP that certain interconnection facilities and network upgrades required for the Project were found to be contingent upon the completion of previously allocated required network upgrades, known as the R-Project, a proposed 345 kV network upgrade consisting of approximately 225 miles of new transmission lines over 300 miles away from the Project. Campbell further explains that it decided to work diligently to comply with the Campbell GIA and SPP's interconnection process with the added contingency rather than withdraw the Project. According to Campell, it ceased certain work with its consultant on NEPA-required environmental assessments because the environmental studies underlying those assessments expire after a fixed period, and the Project timeline was uncertain due to the unknown completion date of the R-Project.[13] Campbell explains that in June 2022, it received official notice from SPP that the R-Project was removed as a contingency for the Project, and Campbell asserts that although this removal provided greater certainty with respect to its commercial operation deadline timeline, it already incurred nearly a one-year delay in completing the NEPA-required review.[14]

11. Campbell states that in March 2023, it executed a Programmatic Biological Assessment Project Consistency Evaluation Form (Species Consistency Evaluation Form) for the WAPA-UGP Wind Energy Development Plan to ensure the Project remained in compliance with NEPA regarding limiting potential impact on locally protected species. Campbell explains that Campbell and WAPA agreed that a March 2023 execution would likely preclude the Project from being subject to upcoming regulatory changes involving species studies that would impact the requirements of the Species Consistency Evaluation Form. However, Campbell states that, in November 2024, it was notified by the USFWS that its Species Consistency Evaluation Form would not be grandfathered, would instead be subject to new regulations, and was therefore not

[12] 42 U.S.C. § 4321 *et seq.*

[13] Waiver Request at 8-9. For example, Campbell explains that it was required to complete environmental studies on the Project's impact to the northern long-eared bat; however, Campbell states that these studies only remain valid for the purposes of the environmental assessment for two years upon their completion. *Id.*

[14] *Id.* at 9.

compliant. Accordingly, Campbell executed a new Species Consistency Evaluation Form in December 2024. Campbell explains that these setbacks postponed its receipt of Findings of No Significant Impact (FONSI) from the EPA, which are required for each individual wind turbine, and is the final federal approval needed to demonstrate that the Project is NEPA-compliant.[15]

12. Campbell argues that its FONSI approvals were further delayed due to a temporary cessation and immediate review of federal wind permitting practices, requiring a pause in processing FONSI requests. Campbell argues that it was unable to commit to certain financial requirements prior to beginning construction on the Project until it obtained these FONSI approvals. Campbell states that it finally received the required FONSI approvals on May 30, 2025, and Campbell argues that these changes in federal policy outside of its control led to delay of the execution of pre-construction and construction activities.[16]

13. Additionally, Campbell argues that the imposition of tariffs on imported goods from specific foreign countries, as well as on steel and aluminum imports more broadly, resulted in additional delays in procurement and in negotiations for turbine supply contracts. Campbell argues that despite continuing supply chain issues, it has continued pursuing equipment procurement and is now in an advanced stage of negotiations. However, Campbell reiterates that these external factors have prevented the Project from achieving commercial operation by the current deadline of December 31, 2026.[17]

14. Campbell states that it is finalizing all remaining arrangements necessary to begin construction of the Project as swiftly as possible, but it argues that a 24-month extension of the commercial operation deadline is necessary to provide Cambell with enough time to accommodate the delays described in its filing, address remaining uncertainties associated with federal policy changes and supply-chain issues, and complete construction.[18]

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[15] *Id.* at 9-10.

[16] *Id.* at 10-11.

[17] *Id.* at 11-12.

[18] *Id.* at 12.

II. Waiver Request

15. Campbell requests waiver of GIP section 4.4.5 and Articles 2.3.2 and 11.2 of the Campbell GIA to permit a 24-month extension of the commercial operation deadline of the Project, from December 31, 2026 to December 31, 2028.[19] Campbell asserts that its waiver request satisfies the Commission's criteria for granting waiver.[20]

16. First, Campbell asserts that it acted in good faith. Campbell contends that it diligently pursued development of the Project, and that prior to the substantial delay from transmission planning modifications, federal policy changes, and supply chain challenges outside of its control, Campbell would have met the December 31, 2026 commercial operation deadline. Campbell argues that it diligently advanced the Project by completing all GIA milestones and security requirements to date, completing significant preconstruction activities, and arranging completion of all NEPA requirements. Campbell states that it is continuing to invest in the Project and plans to proceed with its construction after April 2026. Campbell states that in addition to making timely payments of all required security and study deposits to SPP throughout the interconnection process in accordance with the milestones under the Campbell GIA, Campbell has: (1) secured full site control of 12,685 acres inclusive of the point of interconnection; (2) completed field surveys for cultural resources and wetlands; (3) completed environmental studies for species present at the Project site; (4) completed geotechnical investigation work, with additional design and engineering studies necessary for construction underway; (5) received a special use permit from Campbell County and begun work on acquiring a road use agreement; (6) received bids for a balance of plant engineering, procurement, and construction contractor, with an award expected to be issued to a contractor in the near future; and (7) retained an engineering design firm and engaged the firm in finalizing the Project's 30% engineering design.[21]

17. Second, Campbell argues that its waiver is limited in scope because it would permit a limited, 24-month extension of the current commercial operation deadline and would not relieve Campbell of any financial requirements. Campbell argues that the waiver request is limited to this Project only and is narrowly focused on the applicable Tariff provisions. Campbell contends that its waiver request accounts for the expected

[19] *Id.* at 1, 17.

[20] *Id.* at 13-17.

[21] *Id.* at 13-15.

timeline to finalize pre-construction activities, procure necessary equipment, and construct the Project.[22]

18. Third, Campbell argues that the requested waiver addresses a concrete problem because, absent the waiver, SPP would likely terminate the Campbell GIA if the Project does not achieve commercial operation by December 31, 2026. Campbell argues that without waiver, significant development efforts and over $6.8 million would be in jeopardy. Campbell argues that termination of the Campbell GIA would result in inefficiency, waste, and potential cost shifts to later-queued interconnection customers because Campbell would not continue to pursue the Project. Campbell asserts that terminating the Campbell GIA would also result in less generation capacity available to SPP in 2028, as well as a loss of economic development in Campbell County and the local communities in which the Project will be located.[23]

19. Finally, Campbell argues that the requested waiver will not have undesirable consequences or harm third parties. Campbell states that it has committed to funding its allocated transmission network upgrades on the current timeline and asserts that no other interconnection customers are dependent upon the completion of the transmission owner's interconnection facilities or network upgrades required for the Project. Campbell contends that if the Commission were to deny the requested waiver, it may trigger restudies of other interconnection customers' queued projects due to the Project withdrawing from the interconnection queue should the Campbell GIA be terminated. Campbell argues that a waiver would permit the Project to move forward without disrupting the interconnection queue.[24]

III. Notice and Responsive Pleadings

20. Notice of Campbell's filing was published in the *Federal Register*, 91 Fed. Reg. 17267 (Apr. 6, 2026), with interventions and protests due on or before April 21, 2026. SPP filed a timely motion to intervene.

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[22] *Id.* at 15.

[23] *Id.* at 15-16.

[24] *Id.* at 16-17.

IV. Discussion

A. Procedural Matters

21. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2025), SPP's timely, unopposed motion to intervene serves to make it a party to this proceeding.

B. Substantive Matters

22. We grant Campbell's waiver request. Specifically, we grant Campbell's request for waiver of GIP section 4.4.5 and Articles 2.3.2 and 11.2 of the Campbell GIA to allow for a 24-month extension of the commercial operation deadline for the Project, from December 31, 2026 to December 31, 2028. The Commission has granted waiver of tariff provisions where: (1) the applicant acted in good faith; (2) the waiver is of limited scope; (3) the waiver addresses a concrete problem; and (4) the waiver does not have undesirable consequences, such as harming third parties.[25] We find that the circumstances of Campbell's waiver request satisfy these criteria.

23. First, we find that Campbell has acted in good faith to develop the Project in accordance with the GIP and the Campbell GIA. Campbell asserts that it has pursued the Project diligently, and prior to delays outside of its control, fully expected the Project to achieve commercial operation before December 31, 2026. Campbell states that it has secured and maintained full site control inclusive of the point of interconnection of approximately 12,685 acres of land, completed engineering and environmental studies, invested over $6.8 million in development efforts, and satisfied all security obligations under the Campbell GIA.[26]

24. Second, we find that the requested waiver is of limited scope because it represents a limited waiver of GIP section 4.4.5 and Articles 2.3.2 and 11.2 of the Campbell GIA to allow for a 24-month extension of the commercial operation deadline for the Project, from December 31, 2026 to December 31, 2028. The limited waiver only applies to this deadline and does not relieve Campbell of any financial requirements in the Campbell GIA. Further, if the Project does not achieve commercial operation by December 31, 2028, the Campbell GIA will be subject to termination by SPP.

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[25] *See, e.g.*, *Citizens Sunrise Transmission LLC*, 171 FERC ¶ 61,106, at P 10 (2020); *Midcontinent Indep. Sys. Operator, Inc.*, 154 FERC ¶ 61,059, at P 13 (2016).

[26] Waiver Request at 13-16.

25. Third, we find that granting the requested waiver will remedy a concrete problem. Absent waiver, SPP may terminate the Campbell GIA if the Project does not achieve commercial operation by the December 31, 2026 deadline. However, Campbell states that circumstances beyond its control have delayed the development of the Project such that it is unable to achieve commercial operation by December 31, 2026.[27] We find that granting waiver will provide Campbell the additional time needed to construct the Project and achieve commercial operation by December 31, 2028.

26. Finally, we find that granting waiver will not have undesirable consequences, such as harming third parties. Campbell commits to funding its allocated transmission network upgrades on the current timeline and asserts that no other interconnection customers are dependent upon the completion of any transmission owner's interconnection facilities or network upgrades required for the Project.[28]

<u>The Commission orders</u>:

Campbell's waiver request is hereby granted, as discussed in the body of this order.

By the Commission.

(S E A L)

Carlos D. Clay,
Deputy Secretary.

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[27] *Id.* at 15.

[28] *Id.* at 16-17.