

Force Majeure/Uncontrollable Force in WSPP Schedule C Power Transactions

WSPP Operating Committee
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Example 1 – Downstream (non USF) Curtailment

- Generator sells to Marketer A at Mid-C
 - Generator arranges for firm transmission from busbar to delivery location
- Marketer A sells to Marketer B at Mid-C
 - No transmission path is involved in this transaction
- Marketer B sells to Utility at Mid-C
 - Utility arranges firm transmission to COB for import into CAISO
 - No transmission path is specified in transaction
- Nature of Curtailment
 - Schedule into CAISO is curtailed
 - Does this qualify as Force Majeure?
- Damages
 - Should Utility that purchased at Mid-C, be responsible for damages to Marketer B and upstream entities?

Example 2 – Upstream (non USF) Firm Transmission Curtailment

- Generator sells to Marketer A at Mid-C
 - Generator arranges for firm transmission from busbar to delivery location
- Marketer A sells to Marketer B at Mid-C
 - No transmission path is involved in this transaction
- Marketer B sells to Utility at Mid-C
 - Utility arranges firm transmission to COB for import into CAISO

- Nature of Curtailment
 - Firm Transmission from Generator busbar to Mid-C is curtailed
 - Qualifies as Force Majeure (if transmission path is specified)
- Damages
 - Generator not responsible for damages to Marketer A
 - Does this carry forward downstream (e.g., Is Marketer A responsible for damages to Marketer B?)

Example 3 – Upstream Unit Trip

- Generator sells to Marketer A at Mid-C
 - Generator arranges for firm transmission from busbar to delivery location
- Marketer A sells to Marketer B at Mid-C
 - No transmission path is involved in this transaction
- Marketer B sells to Utility at Mid-C
 - Utility arranges transmission COB for import into CAISO

- Nature of Curtailment
 - Unit Trip at Generator
 - Does not qualify as Force Majeure

- Damages
 - Generator responsible for damages to downstream entities

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