

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

**Building for the Future Through)
Electric Regional Transmission)
Planning and Cost Allocation and)
Generator Interconnection)**

Docket No. RM21-17-000

**MOTION OF THE ISO/RTO COUNCIL AND TRADE ASSOCIATIONS
FOR EXTENSION OF TIME TO SUBMIT COMMENTS
AND REQUEST FOR EXPEDITED ACTION**

Pursuant to Rules 212 and 2008 of the Federal Energy Regulatory Commission’s (“FERC” or the “Commission”) Rules of Practice and Procedure,¹ the ISO/RTO Council (“IRC”),² Edison Electric Institute (“EEI”), American Public Power Association (“APPA”), and the National Rural Electric Cooperative Association (“NRECA”) (together, the “Joint Movants”) respectfully submit this motion for extension of time for filing comments on the Notice of Proposed Rulemaking (“NOPR”) issued in this proceeding.³ For the reasons discussed below, the Joint Movants request that the Commission grant a brief fifteen (15) day extension of the period for initial comments and a seven (7) day extension of the period for reply comments, such that initial comments would be due no later than August 2, 2022 and reply comments no later than September 8, 2022.⁴ In

¹ 18 C.F.R. §§ 385.212, 385.2008 (2021).

² The IRC comprises the following independent system operators (“ISOs”) and regional transmission organization (“RTOs”): Alberta Electric System Operator (“AESO”); California Independent System Operator (“CAISO”); Electric Reliability Council of Texas, Inc. (“ERCOT”); the Independent Electricity System Operator of Ontario, Inc. (“IESO”); ISO New England Inc. (“ISO-NE”); Midcontinent Independent System Operator, Inc. (“MISO”); New York Independent System Operator, Inc. (“NYISO”); PJM Interconnection, L.L.C. (“PJM”); and Southwest Power Pool, Inc. (“SPP”). ERCOT, AESO and IESO are not subject to the FERC’s jurisdiction and therefore do not join this filing. Individual IRC members may also file separate comments.

³ *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection*, Notice of Proposed Rulemaking, 179 FERC ¶ 61,028 (2022) (“NOPR”).

⁴ The NOPR provides for 75 days to submit initial comments and 30 days thereafter to submit reply comments. *See* NOPR at P 460. *See also* 87 Fed. Reg. 26,504. Through this motion, the Joint Movants request that the comment

addition, the Joint Movants request that the Commission issue an order on this request for extension no later than May 24, 2022.

I. BACKGROUND

The IRC is comprised of nine ISOs and RTOs that operate under complex energy market and transmission tariff requirements and processes designed to produce well-functioning and efficiently-run electric grids and markets to ensure affordable, reliable, and sustainable power. The Commission regulates six of the IRC member ISOs and RTOs, which operate under tariffs and agreements (collectively “tariffs”) to orchestrate the generation and transmission of electricity in the interest of two-thirds of North America’s ratepayers.

EEI is the association that represents all U.S. investor-owned electric companies. EEI’s members provide electricity for about 220 million Americans and operate in all 50 states and the District of Columbia. As a whole, the electric power industry supports more than 7 million jobs in communities across the United States. EEI’s members are committed to providing affordable and reliable electricity to customers now and in the future. EEI members own and operate jurisdictional transmission facilities in all regions of the country and, as such, are directly impacted by and can provide a broad-based perspective on the issues raised in the NOPR.

APPA is the national service organization representing the interests of the nation’s 2,000 not-for-profit, community-owned electric utilities. Public power utilities account for 15 percent of all sales of electric energy (kilowatt-hours) to ultimate customers and collectively serve over 49 million people in every state except Hawaii. APPA utility members’ primary goal is providing customers in the communities they serve with reliable electric power and energy at the lowest

deadlines be extended to give interested parties 90 days to submit initial comments and 37 days thereafter to submit reply comments.

reasonable cost, consistent with good environmental stewardship. APPA members include numerous utilities that own transmission facilities, while many APPA electric utility members are transmission dependent, taking transmission service from public utilities, including RTOs and ISOs. Changes to the Commission's rules for regional transmission planning and cost allocation could affect significantly APPA's members and the consumers they serve.

NRECA is the national trade association representing nearly 900 local electric cooperatives operating in 48 states. Operating at cost and without a profit incentive, electric cooperatives power over 20 million businesses, homes, schools, and farms across 56 percent of the nation's landmass and serve one in eight (42 million) consumers. NRECA's member cooperatives include 62 generation and transmission ("G&T") cooperatives and 831 distribution cooperatives. The G&T cooperatives generate and transmit power to distribution cooperatives that provide it to the end-of-the-line consumer-members. Distribution cooperatives also receive power from other generation sources. The NOPR proposes changes that could affect the interests of NRECA's members in multiple ways-as load-serving entities; transmission owners, operators and customers; generation owners and operators; and wholesale electricity market participants.

On April 21, 2022, the Commission issued the NOPR in the above-captioned proceeding, proposing reforms to the Commission's existing regional transmission planning and cost allocation requirements. As relevant here, the Commission invited all interested persons to submit initial comments no later than July 18, 2022 and reply comments no later than August 17, 2022.⁵

II. MOTION FOR EXTENSION OF TIME TO SUBMIT COMMENTS

The Joint Movants respectfully move to briefly extend the deadlines in this proceeding to give interested parties an additional fifteen (15) days to submit initial comments to August 2, 2022

⁵ See NOPR at P 460. See also 87 Fed. Reg. 26,504.

and a seven (7) day extension for reply comments making reply comments due on September 8, 2022.⁶ The Commission is authorized under Rule 2008 to extend “the time by which any person is required or allowed to act under any statute, rule, or order . . . for good cause, upon a motion made before the expiration of the period prescribed or previously extended.”⁷ Good cause exists here to grant the requested extension for the reasons described below.

In the NOPR, the Commission sets forth numerous proposals to reform its existing policies regarding transmission planning and cost allocation. The NOPR explores some of the fundamental pillars of the various regional transmission planning and cost allocation processes used inside and outside RTO/ISO regions, as well as certain of the key holdings of FERC Order No. 1000. In addition, the NOPR provides the opportunity for not only filing substantive responses to questions raised, but proposing alternative approaches to issues identified. The responses to the NOPR will require a great deal of internal consideration for each trade association and IRC member to provide quality responses to the Commission. Moreover, the Joint Movants believe that the industry as a whole would benefit from a modest amount of additional time to prepare thoughtful and constructive comments in response to this NOPR, in order for the Commission to have an adequate record upon which to rule.

A brief seven-day extension of the reply comment period is similarly warranted. More than 190 sets of comments were filed in response to the Advance Notice of Proposed Rulemaking⁸ in this docket. It is reasonable to expect that a similar number of comments will be filed in response to the NOPR. Respondents will need to review the likely voluminous individual submissions and

⁶ 18 C.F.R. §§ 385.212, 385.2008.

⁷ 18 C.F.R. § 385.2008.

⁸ *Advance Notice of Proposed Rulemaking: Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection*, 176 FERC ¶ 61,024 (2021).

draft responses to issues as appropriate. Accordingly, the Joint Movants request an extension until September 8, 2022 to provide the Commission with thoughtful and well-developed responses that will ultimately aid in any final determinations or other action taken in the course of this proceeding.

III. CONCLUSION

For the foregoing reasons, the Joint Movants respectfully request that the Commission grant this motion and extend the period for initial comments in this proceeding by fifteen (15) days, such that initial comments would be due no later than August 2, 2022, and for reply comments by seven (7) days, such that reply comments would due no later than September 8, 2022. In addition, the Joint Movants request that the Commission issue a decision on this request for extension no later than May 24, 2022. The Joint Movants appreciate the Commission's consideration of these requests.

Respectfully submitted,

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Dated: May 10, 2022

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically served a copy of this document upon all parties listed on the official service list compiled by the Secretary in the above-captioned proceeding, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure(18 C.F.R. § 385.2012).

Dated at Carmel, Indiana this 10th day of May, 2022.

/s/ Julie Bunn

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