

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

Grid Reliability and Resilience Pricing

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RM18-1-000

MOTION IN SUPPORT OF THE REQUEST FOR EXTENSION OF TIME BY THE  
ORGANIZATION OF MISO STATES

Pursuant to Rule 212 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 C.F.R. § 385.212, the Organization of MISO States<sup>1</sup> (OMS) respectfully submits this Motion in Support of the Joint Motion for Extension of Time and Request for Expedited Treatment filed by the Energy Industry Associations<sup>2</sup> on October 3, 2017 in order to provide more thorough and complete comments in this important change in federal energy policy.

I. Background

On September 29, 2017, the Secretary of Energy (Secretary) issued Secretary of Energy's Direction that the Federal Energy Regulatory Commission Issue Grid Resiliency Rules Pursuant to the Secretary's Authority Under Section 403 of the Department of Energy Organization Act directing the Commission to "issue a final rule requiring its organized markets to develop and implement market rules that accurately price generation resources necessary to maintain the reliability and resiliency of our Nation's bulk power system."<sup>3</sup> The Secretary further provided a 45-day period from the date of publication in the Federal Register for interested parties to

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<sup>1</sup> The OMS is a non-profit, self-governing organization of representatives from each regulatory body with jurisdiction over entities participating in the Midcontinent Independent System Operator, Inc. (MISO) and serves as the regional state committee. The purpose of the OMS is to coordinate regulatory oversight among its members, to make recommendations to MISO, the MISO Board of Directors, the Commission, and other relevant government entities and state commissions as appropriate, and to intervene in proceedings before the Commission to express the positions of the OMS member agencies.

<sup>2</sup> Joint Motion for Extension of Time and Request for Expedited Treatment of the Energy Industry Associations, EL18-1-000 (Oct. 3, 2017).

<sup>3</sup> Department of Energy, Notice of Proposed Rulemaking, Grid Resiliency Pricing Rule, RM17-3-000 and RM18-1-000 (Sept. 29, 2017), pg. 12.

provide comments on his proposal and required the Commission to take final action on the rule within 60 days from the date of publication.<sup>4</sup> The Commission then issued a Notice Inviting Comments on October 2, 2017 directing that comments on the proposed rule be submitted by October 23, 2017 and reply comments by November 7, 2017.<sup>5</sup>

The Energy Industry Associations filed a Joint Motion for Extension of Time and Request for Expedited Treatment on October 3, 2017 requesting 90 days for submission of initial comments and 45 days for reply comments.<sup>6</sup> Several parties have since filed in support of the Energy Industry Associations' request.<sup>7</sup>

Furthermore, on October 4, 2017, the Director of the Commission's Office of Energy Policy and Innovation (OEPI) filed a Request for Information with 30 questions related to the proposed rule to, "assist Staff in understanding the implications of the proposed rule."<sup>8</sup> Many of the questions posed are very detailed and complex.

## II. Motion

The OMS files this Motion in Support of the Request for Extension of Time to urge the Commission to adopt the recommended 90-day period for initial comments and 45-day period for reply comments. As the pleadings in this docket to date indicate, and as highlighted by the

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<sup>4</sup> *Id.*

<sup>5</sup> Notice Inviting Comments, RM18-1-000 (Oct. 2, 2017).

<sup>6</sup> Joint Motion for Extension of Time and Request for Expedited Treatment of the Energy Industry Associations, EL18-1-000 (Oct. 3, 2017), pgs. 3, 6. The Energy Industry Association also asks the Commission to act by October 6, 2017.

<sup>7</sup> In the subject docket, the following have been filed to date: Motion of Northwest & Intermountain Power Producers Coalition in Support of Motion for Extension of Time and Request for Expedited Treatment of the Energy Industry Associations (Oct. 4, 2017); Answer of Transmission Access Policy Study Group in Support of Motion for Extension of Time (Oct. 4, 2017); Comments of Industrial Energy Consumers of America (Oct. 5, 2017); Motion of the National Association of State Utility Consumer Advocates in Support of the Energy Industry Associations' Motion for Extension of Time and Request for Expedited Treatment (Oct. 5, 2017); Motion of American Forest and Paper Association in Support of Motions for Extension of Time (Oct. 5, 2017); Motion of the Independent Petroleum Association of America and Cooperating Associations for Extension of Time for Comments and Request for Expedited Consideration (Oct. 5, 2017).

<sup>8</sup> Request for Information, Grid Reliability and Resilience Pricing, RM18-1-000 (Oct. 4, 2017).

depth and breadth of the questions posed by the Director of OEPI, the issues presented in the proposed rule are complicated and have the potential for far-reaching impacts on the nature of wholesale energy markets and federal energy regulation. These matters require great deliberation and judicious decision-making. The additional time requested will allow all interested parties to prepare more thorough and thoughtful comments to give the Commission a strong foundation of facts and opinions upon which to base its decisions.

Additionally, the interplay between the elements of the proposed rule and the jurisdictional roles and responsibilities of state and local retail regulators, which make up the membership of the OMS, must be an important consideration in evaluation the issues presented. Having robust feedback on the potential impacts and concerns from state and local regulators will be valuable to the deliberative process at the Commission.

Moreover, the nature of an organization like the OMS with 17 members that each have internal processes that must be followed in order to provide feedback on official OMS positions make the proposed October 23, 2017 deadline for initial comments extremely challenging. The additional time requested will allow more collective, comprehensive feedback on behalf of the OMS.

### III. Communications

Communications related to this docket should be made to:

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IV. Conclusion

For the reasons stated above, the OMS respectfully requests that the Commission extend the initial comment period to 90 days and the reply comment period to 45 days.

Respectfully Submitted,

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Executive Director  
Organization of MISO States