

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

International Transmission Company, <i>et al.</i> ,	)	
Petitioner,	)	
	)	
v.	)	No. 19-1190
	)	
Federal Energy Regulatory Commission,	)	
Respondent.	)	

**MOTION OF THE ORGANIZATION OF MISO STATES, INC. FOR  
LEAVE TO INTERVENE**

Pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure, and Rule 15(b) of the Circuit Rules of this Court, the Organization of MISO States, Inc. (“OMS”) hereby moves this Court for leave to intervene in the above-captioned review proceeding. In support of this motion, OMS states as follows:

- I. On September 11, 2019, International Transmission Company, ITC Midwest, LLC., and Michigan Electric Transmission Company, LLC. (collectively, “Petitioners”) filed with this Court a petition for review of the following orders issued by the Federal Energy Regulatory Commission (“Respondent” or “FERC”):

- 1) *Consumers Energy Company, et al. v. International Transmission Company, et al.*, Order on Complaint, 165 FERC ¶ 61,021, Docket No. EL18-140-000, issued October 18, 2018; and
- 2) *Consumers Energy Company, et al. v. International Transmission Company, et al.*, Order Denying Rehearing, 168 FERC ¶ 61,035, Docket No. EL18-140-001, issued July 18, 2019.

- II. The OMS seeks to intervene generally in support of the Respondent. As required by Rule 26.1 of the Federal Rules of Appellate Procedure and Rule 26.1 of the Circuit Rules of this Court, a Corporate Disclosure for the OMS is enclosed with this pleading.
- III. The OMS is a Non-Profit Domestic Corporation (under the Indiana Nonprofit Corporation Act of 1991), and is a self-governed, member-based organization comprised of representatives from entities with regulatory jurisdiction over utilities participating in the Midcontinent Independent System Operator, Inc. (“MISO”) region.
- IV. The purpose of the OMS is to coordinate regulatory oversight among its members, including recommendations to MISO, the MISO Board of Directors, FERC, other relevant government entities, and state commissions as appropriate to promote OMS members’ interests on matters such as: (i) MISO markets, (ii) MISO's operations and transmission planning, (iii) FERC matters affecting the MISO region, and (iv) the jurisdiction and role

of the MISO states to regulate and promote the electric utilities and systems within their respective boundaries.

- V. In furtherance of its purposes, the OMS intervened in and was an active party in the proceedings before the FERC that concluded with the orders subject to review in this case.
- VI. Further, OMS' members have the responsibility to supervise and regulate utilities participating in MISO to ensure their operation is in the public interest, and to promote adequate, economical, and efficient delivery of utility service in their respective retail jurisdictions.
- VII. As an organization comprised of members charged with representing the public interest in their respective jurisdictional areas, the OMS has a unique interest in the outcome of this case. Because no other party can adequately represent the interests of the OMS and its members in this proceeding, the OMS should be permitted to intervene.

WHEREFORE, for the foregoing reasons, the OMS respectfully moves this Court for leave to intervene in support of Respondent and to participate in this proceeding with the rights accorded to an intervenor under the Federal Rules of Appellate Procedure and the Circuit Rules of this Court.

Respectfully submitted,

/s/ Andrea Sarmentero

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Dated: October 7, 2019

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Federal Energy Regulatory Commission,	)	
Respondent.	)	

**CORPORATE DISCLOSURE STATEMENT OF  
THE ORGANIZATION OF MISO STATES, INC.**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Rule 26.1 of the Circuit Rules of this Court, the Organization of MISO States, Inc. (“OMS”) hereby submits this Corporate Disclosure Statement.

The OMS is a Non-Profit Domestic Corporation (under the Indiana Nonprofit Corporation Act of 1991), and is a self-governed, member-based organization comprised of representatives from entities with regulatory jurisdiction over utilities participating in the Midcontinent Independent System Operator, Inc. region.

The purpose of the OMS is to promote the public interest and social welfare by providing means for its members to act in concert when deemed to be in the common interest of their affected publics.

The OMS does not issue securities to the public and is not owned by any publicly held company.

Respectfully submitted,

/s/ Andrea Sarmentero

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Counsel to the Organization of MISO States, Inc.

Dated: October 7, 2019

**CERTIFICATE OF SERVICE**

Pursuant to Rule 25(d) of the Federal Rules of Appellate Procedure, and Rule 25 of the Rules of this Court, I hereby certify that I have, this 7<sup>th</sup> day of October 2019, caused the foregoing documents to be served upon the counsel listed in the service list for Case No. 19-1190 via email through the Court's CM/ECF system, and by U.S. mail upon the Solicitor and Secretary of the Federal Energy Regulatory Commission, as indicated below:

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