



conditions of transmission service in interstate commerce that are just and reasonable and not unduly discriminatory or preferential, the Commission preliminarily finds that transmission needs driven by public policy requirements established by state or federal laws or regulations should be taken into account in the transmission planning process.”<sup>2</sup>

OMS concurs with FERC’s inclusion of public policy driven projects in transmission planning. As OMS stated in its November 23, 2009 Comments in Docket No. AD09-8-000, “The OMS is not aware that the distinctions between reliability planning, generator interconnection planning, economic planning and renewable resource planning create any problems focusing strictly on the RTO’s engineering planning and not cost allocation.” In other words, OMS concurs that viable transmission planning should respond to all forms of identified and verified transmission needs in a region. If only a subset of the region or stakeholders have a particular transmission need, such as renewable portfolio standard (RPS) energy needs in some states but not in others, the transmission planning process can reflect those needs for those entities. The differentiation comes in allocating the costs of transmission constructed to meet such needs.

OMS notes that most of the larger transmission projects proposed today meet a number of transmission needs. In fact, the Midwest ISO’s new cost allocation proposal in Docket No. ER10-1791-000 is based on that premise and proposes to identify such projects as “Multi-Value Projects”. Even if one of the drivers for a transmission project would be to meet RPS needs in some states and not others, there are likely other benefits or transmission needs being met by the same project.

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<sup>2</sup> Federal Energy Regulatory Commission, Notice of Proposed Rulemaking, Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities, Docket RM10-23-000, paragraph 63, page 36.

In addition to soliciting comments about including public policy driven projects in transmission planning, FERC also invites parties to “comment on how planning criteria based on public policy requirements should be formulated, including whether it is more appropriate to use flexible criteria instead of ‘bright line’ metrics...”<sup>3</sup> OMS cautions against being too rigid in having “bright line” planning criteria that may reject potentially beneficial projects as well as being too lenient in using flexible criteria and potentially results in higher cost projects than are needed or even in overbuilding. Neither of these would be conducive to ensuring just and reasonable rates and conditions. Rather, FERC should seek a reasonable balance by ordering transmission planners to start with defined criteria<sup>4</sup> but then to look further into more flexible options that could provide an optimal solution to a number of perceived needs.

## **B. Improving Coordination between Neighboring Transmission Planning Regions**

The OMS applauds the Commission’s continued support and encouragement of the American Recovery and Reinvestment Act (“ARRA”) Eastern Interconnection States Planning Council (“EISPC”) and Eastern Interconnection Planning Collaborative (“EIPC”) efforts currently underway. Since the October 2009 Notice of Inquiry (“NOI”) comment period both efforts have continued to move forward, resulting in a collaborative process to finalize the DOE ARRA funding contract, the formation of each groups’ governing and operational structures and the formation of the Stakeholder Steering Committee (“SSC”). Currently, the SSC incorporates interconnection-wide representation from seven industry sectors and Canada, including one third

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<sup>3</sup> NOPR, paragraph 70, page 40.

<sup>4</sup> For example, in Michigan, under 2008 PA 295, a Michigan Wind Energy Resource Zone Board was established to identify and report to the MI Commission regions within the state that could provide the highest level of wind potential to support the RPS. This statute is an example of specific criteria utilized by a state in evaluating renewable energy resources.

of the membership chosen among the members of the EISPC.<sup>5</sup> While it is still too early to see the interregional transmission planning results that will come from this large scale effort, the OMS continues to believe that this effort will provide a good faith effort by participants to engage in interconnection-wide planning for the benefit of the entire Eastern Interconnection. (NOI, Pg 10)

- *We seek comment on any issue of interest or concern related to the requirements proposed in this section of the Proposed Rule, including the proposed required elements of an interregional transmission planning agreement and any other elements that should be part of an interregional transmission planning agreement.*

The OMS applauds the Commission's efforts towards influencing more interregional transmission planning coordination through the proposed establishment of interregional transmission planning agreements between both regional transmission organizations (RTOs) and non-RTOs. This effort will further enhance not only more coordination between RTOs, but also the incorporation of more non-RTO consideration of and participation in interregional planning processes. As stated in the OMS comments to the October 2009 NOI: "inter-RTO planning efforts are largely an academic exercise, with no apparent coordination among the various regions." (pg 7) While some RTOs currently have joint operating agreements established (e.g., Midwest ISO and PJM), there are other RTOs that do not. Also, the current level of detail and content found in existing interregional agreements varies from region to region and may not fully encompass, if at all, details surrounding how to implement interregional scale transmission planning efforts. For example, the Midwest ISO and PJM Joint Operating Agreement has an entire section directly related to coordinated regional transmission expansion planning between the Midwest ISO and PJM and lays out interregional system planning requirements for both

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<sup>5</sup> <http://www.eipconline.com/>. The Department of Energy's Funding Opportunity Announcement specifies that one third of the Stakeholder Steering Committee members are to be chosen from the EISPC.

RTOs.<sup>6</sup> On the other hand, the Coordinated Agreement between the Midwest ISO and the Independent Electricity System Operator (IESO) bears no mention of interregional transmission planning, or transmission planning in general. The focus of this interregional agreement is solely for the purposes of coordinating operational and emergency management procedures between the two regional entities.<sup>7</sup> It should be noted though that, in addition to specifying the interregional planning procedures within such an agreement, they are only as good as their actual implementation. Therefore, there needs to be an accountability and oversight element, perhaps utilizing the expertise of state commissions that can make sure that these agreements are actually carried out and implemented in the manner in which they are intended.

The proposed guidelines in the Commission's NOPR provide direction towards more consistent interregional transmission planning efforts, which will improve the efficiency and effectiveness of transmission planning between regions.

Specifically related to the four criteria the Commission is proposing for an interregional transmission planning agreement, the OMS would like to comment on the first three criteria.

*(1) a commitment to coordinate and share the results of respective regional transmission plans to identify possible interregional facilities that could address transmission needs more efficiently than separate intraregional facilities; (NOPR, pg 67)*

The OMS believes that it is important to have consistency between transmission planning regions' data, information, and protocols to achieve smooth, unrestrictive coordination of resources. The desire for consistency is further supported when there is an agreed to commitment to share results of regional transmission plans, because the efficiency of the coordination effort would be greatly improved with more consistency between regions.

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<sup>6</sup> [http://www.midwestmarket.org/publish/Document/2b8a32\\_103ef711180\\_-76d90a48324a](http://www.midwestmarket.org/publish/Document/2b8a32_103ef711180_-76d90a48324a). Specifically, Article IX (pgs 45 – 65) of the Second Revised version covers interregional transmission planning.

<sup>7</sup> [http://www.midwestmarket.org/publish/Document/1d44c3\\_11e1d03fcc5\\_-7c710a48324a](http://www.midwestmarket.org/publish/Document/1d44c3_11e1d03fcc5_-7c710a48324a)

Therefore, the Commission should seek to further clarify the first criterion to include some kind of consistent format for data, or collection and presentation of the data; this would help bolster a more efficient coordination effort. In addition, data should be in a format that is adaptable to the different modeling software packages used by RTOs.

To go one step further, to improve the consistency and efficiency of interregional transmission planning coordination efforts, entities should strive to establish a common practice of including industry best practice planning standards or planning protocols<sup>8</sup> as a common element to their transmission planning processes. The rationale here being that if most regional entities followed certain best practice standards or protocols in their own planning processes this would provide for more consistency and efficiency on a larger scale planning effort when regional entities join forces to plan for interregional transmission facilities. All involved entities would share similar procedures, data formats, and presentation of results. Therefore, the OMS recommends that the Commission provide more guidance to regional entities to establish and implement industry best practice standards or protocols for transmission planning.

*(2) an agreement to exchange at least annually planning data and information;  
(NOPR, pg 67)*

In the second criterion the Commission proposes to require an agreement to exchange information “at least annually”. While this does provide guidance for entities to exchange information more than once a year, it leaves the door open for entities to provide information only once a year. For interregional transmission planning this could limit the successful and efficient analysis and coordination of regional plans when the goal is to construct optimal interregional facilities to help reduce costs to ratepayers.

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<sup>8</sup> As interregional transmission planning initiatives continue to grow there are more chances for stakeholders to provide input on the planning processes, leading to more improved and directed planning protocols that could serve to provide best practice standards.

The Commission also provides no guidance as to when the exchange of information should take place (e.g., in the beginning, middle, or at the end of a planning cycle).

Transmission planning analysis can change over the course of a planning cycle given, among other things changing modeling results and stakeholder input. Therefore, regional entities should be at least required to exchange information twice a year to account for potential updates. As such, the OMS recommends that the Commission amend the second criterion to require an exchange of information “at least semi-annually”. Support for this recommendation can be found in the current Joint Operating Agreement between the Midwest ISO and PJM, wherein a Joint Planning Committee; established per this agreement, is required to meet “at least semi-annually” to review and coordinate planning activities.<sup>9</sup>

*(3) a formal procedure to identify and jointly evaluate transmission facilities that are proposed to be located in both regions...*

*...the Commission proposes that the sponsor of a project that would be located in both transmission planning regions to which that agreement applies must first propose its project in the transmission planning process of each of those transmission planning regions. The Commission further proposes that such a submission would trigger a procedure established by the interregional transmission planning agreement, under which the transmission planning regions would coordinate their reviews of and jointly evaluate the proposed project. The Commission proposes that such coordination and joint evaluation must be conducted in the same general timeframe as, rather than subsequent to, each transmission planning region's individual consideration of the proposed project. (NOPR, pg 67)*

Although the OMS does not currently directly participate in the identification and analysis of proposed transmission plans within an RTO and non-RTO transmission planning process, the language for the third criterion could raise some concern about when a proposed interregional transmission planning procedure will be initiated in relation to an individual

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<sup>9</sup> [http://www.midwestmarket.org/publish/Document/2b8a32\\_103ef711180\\_-76d90a48324a](http://www.midwestmarket.org/publish/Document/2b8a32_103ef711180_-76d90a48324a). Article IX, Section 9.1.1 (e) on page 46

entity's transmission planning process. The concern lies with out of cycle projects that could activate a planning procedure that involves directing multiple entities' resources to analyze a potential project outside of their normal transmission planning cycle timeline. This could lead to a shortened time frame for analyzing such interregional transmission projects, should the goal be to include a project in multiple regional transmission plans within a single planning cycle. This could be further restricted if the milestones within a single entity's transmission planning cycle do not correspond to the milestones of a neighboring entity's transmission planning process. In light of this potential concern, the OMS recommends to the Commission that consideration be given to establishing a timing element within the formal procedure criterion of the interregional transmission planning agreement. This timing element could give entities a deadline (e.g., before the end of the 2<sup>nd</sup> quarter) to when a proposed project can initiate a procedure, such that it will not negatively impact each individual entity's planning process for the effective review of a project.

With regard to the procedure proposed in paragraph 118 of the NOPR, where the sponsor of a project that crosses multiple transmission regions would propose the project in each region, the OMS suggests the Commission include in its proposed procedure what would happen if the project is seen as beneficial by some regions, but not all regions. While paragraph 118 does propose joint evaluation by the different planning regions, the proposal does not require that each region come to the same conclusion regarding project evaluation. Any implementation of an interregional agreement would need to address this concern.

- *In particular, we seek comment on how such an agreement would be implemented in non-RTO or ISO regions and on the impact that an interregional transmission planning agreement would likely have on the development of interregional transmission facilities.*



The OMS cautions that it may be difficult to require any non-RTO or non-ISO transmission owner to act in the best interests of a geographic footprint beyond their own, via the implementation of an interregional transmission planning agreement. If there is a planning process to identify possible interregional facilities and a cost allocation mechanism in order to pay for such facilities, it should become more likely that the optimal interregional facilities will be built. However, it seems rational to expect public and non-public utility transmission providers may favor projects benefiting their own regions over projects which benefit a wider area.

Interregional transmission planning agreements, if properly designed, could lead to a greater amount of interregional facilities. However, there is the possibility that, if RTO planners are solely making decisions, RTO planning groups may prefer to spend the scarce resources available on transmission projects which solely benefit their region over those that might bring greater benefit to their region and those of neighboring entities. Thus, there may be benefit from endeavors such as EISPC which would view projects over a geographic region wider than the RTO footprint.

Additionally, the OMS cautions that the implementation of these agreements is not necessarily beneficial in and of themselves, as the true measure of success will be actual in-service transmission projects. To the extent that good transmission planning and fair cost allocation methodology, with proper State Commission oversight, leads to the most optimal transmission projects being built, they are useful, but are of little value as purely academic exercises. Thus, the OMS encourages the Commission to consider a measure of a successful transmission planning process to be the strategic deployment of transmission and non-

transmission solutions to resolve problems such as reliability, congestion and market barriers not just the number of lines constructed or identified in the planning process.

The OMS applauds the suggestion of multiple transmission regions coordinating amongst themselves, as proposed in paragraph 115 of the NOPR. The Missouri Public Service Commission held a Missouri Transmission Summit in May 2010, where the three transmission planning organizations in the state of Missouri (Southwest Power Pool, Midwest ISO, and Associated Electric Cooperatives Inc.) were brought together to discuss interregional coordination. Certainly it is more efficient for transmission regions within a geographical footprint with close boundaries to meet as a group rather than as pairs of individual regions.

Regarding the implementation of such agreements, the OMS is concerned about the proposal in Paragraph 120 of the NOPR to only give one year for interregional transmission planning agreements to be submitted to the Commission. The CARP process, which involved State Commission personnel from Midwestern states who consistently collaborate on Midwest ISO issues, took 18 months. Any interregional agreement would likely require actions such as: tariff and business practice changes in multiple organizations; a possible synchronization of planning processes; concurrence regarding items such as benefit calculation, cost estimates, and planning futures; and possibly a steep education and learning curve for stakeholders. The OMS reaffirms here its suggestion from the comments responding to the October 2009 Commission NOI: to give the EISPC planning process some time to work before requiring the filing of any interregional transmission planning agreements.

Additionally, the OMS urges the Commission to encourage transmission planning regions to coordinate regarding issues, such as interconnection and operational issues, unrelated to transmission planning and cost allocation. A situation where interregional transmission

facilities have been properly planned for, paid for, and constructed, but transmission service is not efficiently dispatched by multiple transmission planning regions, does not result in an efficient utilization of such facilities.

Regarding the impact of such agreements on interregional facilities, the OMS refers back to its comments in response to the Commission's October 2009 NOI, regarding how RTOs currently cannot always account for costs and benefits occurring outside of their region for intraregional transmission projects. This can result in either a case where: (1) a project was not built that benefits more than one region, either because benefits were ignored, could not be assessed accurately or because the RTO could not bill the beneficiary; or (2) the project was built, with members of an RTO paying a share perhaps greater than their benefits. The OMS encourages the Commission, regarding cost recovery for interregional projects, to expressly allow state commissions access to information of all RTOs and non RTOs who have built interregional transmission projects whose costs are being borne by those states' utilities. This would allow those state commissions to independently determine if the costs and benefits of these interregional projects will be critical to their state commissions' allowing recovery of those costs.

### **C. Removing a Right of First Refusal from FERC-approved Tariffs or Agreements**

The NOPR seems to operate under the premise that beneficial transmission planning may be inhibited in the RTO planning process because of incumbent transmission owners' claim of "right of first refusal" (ROFR). The NOPR suggests that this leads to undue discrimination against non-incumbent transmission developers in the transmission planning process. OMS does not agree that the *type of party* proposing or owning transmission necessarily equates to better or

worse service or, for that matter, whether transmission actually gets proposed and built.<sup>10</sup> OMS generally views that “transmission service” should be the focus, rather than “incumbent or non-incumbent transmission ownership”.

In order to ascertain the best transmission service, *all* transmission proposals should be evaluated equally. As OMS stated in its Comments in response to the Commission’s Docket No. AD09-8-000 (Comments), “The Commission must ensure that, with respect to RTO transmission planning, there is no undue preference for incumbent or non-incumbent transmission providers or their affiliates.”<sup>11</sup> This means that an incumbent transmission owner should not be allowed to claim “right of first refusal” (ROFR) if doing so prevents an alternative proposal from undergoing the RTO’s planning process. Likewise, non-incumbent transmission owners should not be allowed to inhibit planning processes by attempting to bypass them. Non-incumbents should expect to have the same responsibilities as incumbents for all aspects of transmission planning as well as operations, customer service and rate reasonableness.

All reasonable transmission proposals should be studied by the RTO to ascertain whether the proposal could result in a reliable, cost effective project that would be beneficial to transmission service and in the public interest.<sup>12</sup> However, as OMS stated in its Comments:

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<sup>10</sup> Transmission is, in fact, being proposed, approved and built in the Midwest ISO RTO footprint. For example, one of the largest transmission proposals in the nation, CapX 2020, has already received several regulatory and Midwest ISO approvals and is well on its way to finishing its multi-state regulatory and RTO process to open the door for its construction phase. These projects are being sponsored by a consortium of transmission owners that are collaborating on transmission both within and outside of each of their individual service territories.

<sup>11</sup> See OMS Comments filed on November 23, 2009 In response to *Federal Energy Regulatory Commission, Transmission Planning Processes Under Order No. 890, Notice of Request for Comments* Docket No. AD09-8-000, page 13, in response to the question, “Are there other barriers to the development of merchant and independent transmission in the transmission planning process?”

<sup>12</sup> As discussed in the NOPR, there may be certain transmission projects that are proposed for a single defined purpose, such as interconnecting a specific customer, request no cost recovery from other parties and impose no other costs or impacts on the transmission system or markets. Such projects may be able

“While any right of first refusal should not be permitted to unduly discriminate against merchant and independent transmission, allowance must also be made for differences in state regulatory structures.”<sup>13</sup>

The NOPR states, “Where an incumbent transmission provider has a right of first refusal, a nonincumbent transmission developer risks losing its investment in developing a proposal for submittal to the regional transmission planning process, even if that proposal is selected for inclusion in the regional transmission plan.”<sup>14</sup> OMS questions this conclusion. The NOPR conclusion appears to overlook the OMS’ and other states’ ongoing and active participation in RTO transmission planning processes, as well as the various efforts of state commissions in bringing transmission projects to fruition. OMS and states generally have a strong incentive to ensure that the most cost effective, reliable, beneficial projects are ultimately constructed, as pointed out in its Comments in Docket No. AD09-8-000:

First, state commissions have the ultimate responsibility for retail electric rates and are therefore keenly aware of how the costs of interstate transmission lines will flow to ratepayers. Second, transmission planning must accommodate state choices with respect to generation portfolios and complementary demand-side programs. Third, state regulators are better situated to identify and address transmission upgrades such that they do not harm or require excessive upgrades to existing facilities. Lastly, because state agencies are closer to those regulated, their decisions will be more legitimate to those affected most by new transmission lines.<sup>15</sup>

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to bypass certain RTO planning processes, as long as the project meets all reliability tests, standards and requirements.

<sup>13</sup> OMS’ Comments also stated at footnote 4, “For instance, in a traditionally regulated state, such as Indiana, utilities are generally vertically integrated with monopoly status within its service territory; i.e., no other utility may operate within the service territory of another utility without regulatory approval.” Minnesota is also a traditionally regulated state with the same general service territory construct. Minnesota is also in the midst of siting one of the largest transmission proposals in the nation, the CapX 2020 project, showing that transmission can be built within a traditional regulatory framework including rights of first refusal.

<sup>14</sup> See NOPR paragraph 87, page 51.

<sup>15</sup> OMS Comments filed on November 23, 2009 In response to *Federal Energy Regulatory Commission, Transmission Planning Processes Under Order No. 890, Notice of Request for Comments* Docket No. AD09-8-000, pages 5-6.

Fortunately, the NOPR goes on to acknowledge the important role that the states play in transmission planning, as well as siting, and defers to states' preferences in rights of first refusal cases. Such statements as the following bear this out, "If a Commission-approved tariff or agreement contains a reference to a right provided under state or local laws or regulations, such a provision would not be subject to this requirement."<sup>16</sup> and "We also propose to require each public utility transmission provider to amend its OATT to describe how the regional transmission planning process in which it participates provides for the sponsor (whether an incumbent transmission provider or a nonincumbent transmission developer) of a facility that is selected through the regional transmission planning process for inclusion in the regional transmission plan to have a right, consistent with state or local laws or regulations, to construct and own that facility." (emphasis added.)<sup>17</sup> OMS urges the commission to remain mindful of the significant role that states play in transmission planning and siting.

With its proposal to remove the right of first refusal, the Commission appears to be extending its proper oversight in ensuring just and reasonable transmission service and rates into the area of who should own and construct new transmission lines, and over which entities' projects will receive the benefit of funding from captive ratepayers. Clearly a part of the creation of RTOs has included Commission-approved agreements that have endorsed a right of first refusal for the transmission owners that are parties to the agreement. Going along with this right generally is the obligation to build transmission when it is needed for reliability or other purposes. The RTO transmission planning processes are open, and nonincumbent transmission projects are generally allowable as long as the project is funded by the party that proposes, and ultimately owns, the project. Now the Commission seems to have concluded that because

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<sup>16</sup> See NOPR footnote 100, paragraph 92, page 54.

<sup>17</sup> See NOPR paragraph 93, pages 54-55.

nonincumbents cannot have their projects funded by ratepayers, this situation somehow results in higher costs than necessary for new transmission projects. OMS suggests that further record development on this point is needed before such a conclusion could be accepted.

In paragraph 88 of the NOPR, the Commission mistakenly mixes the concepts of transmission planning and cost allocation. Regional planning processes are required by FERC Order 890 to consider and evaluate projects proposed by nonincumbents. It is the evaluation of the projects that make it an open planning process, not whether they are funded by ratepayers or by the proposing entity.

The Commission is concerned that the status quo may result in plans that are developed at a higher cost than necessary. Assuming that this is the case, the solution is not as simple as just allowing all approved nonincumbent proposals to be funded by ratepayers. First, this solution simply invites every conceivable transmission-related entity to file a transmission line proposal in a regional planning process in the hopes that it ultimately receives approval along with potential Commission-approved incentive rates of return. Second, since the “winners” may be the first company to file a project, this solution does not introduce any additional cost control over what exists today. In fact, ratepayers could end up paying even higher costs than necessary if the cost of the nonincumbent project is higher than what it could have been constructed for by an incumbent.

Going further down this path, one might turn to a bidding process to award new transmission projects. The Commission touched on competitive bidding processes briefly in fn 101, but further discussion of this area would be valuable. If a bidding process were used in the hopes of keeping costs as low as possible, there is still the problem of cost overruns and how they are handled. Alternatively, one might contemplate a cost cap for the winning bidder of a

project. In either case, substantial changes in the transmission providers' tariffs would be required to ensure enforcement of the chosen process.

Lastly, the NOPR seeks comments on the connection between incumbent transmission owners' right of first refusal and their obligation to build transmission deemed beneficial. Utilities with defined service territories have a clear responsibility to build whatever facilities are necessary to ensure safe, reliable, reasonably-priced service in their territories. Companies providing electric services in less traditionally regulated states should be compelled to the same result via market forces. With that obligation comes the privilege to be the one to do the building. If that privilege is taken away, then any further obligation imposed upon the incumbent transmission owner to build is highly questionable. In addition, to reliably meet the obligation to serve a utility needs to be able to build. Removing this privilege will make it difficult to meet the obligation to serve. If the utility must always wait to find out who will build the facilities it may not be able to timely meet its obligations. Furthermore, the ability to ensure safe, reliable and reasonably priced service may be thwarted if a third party abandons a project. If the obligation remains upon the utility, but the privilege is removed, the utility will need to keep resources and plans in reserve to be able to step in if a third party fails to build. This has the potential to drive up costs for retail customers as they will have to pay for the utility to maintain the reserve. OMS urges FERC to carefully consider this when formulating its final rules.

OMS urges FERC to remain mindful of the states' important roles in these issues and defer to state preferences regarding rights of first refusal and obligations to build transmission.



#### **D. Transmission Cost Allocation**

As the Commission is aware, the Midwest ISO and its stakeholders have been working on cost allocation issues for many years, with the latest incarnation occurring from the start of 2009 through at least the end of 2010. The Midwest ISO filed its proposal on July 15, 2010<sup>18</sup> to define a new type of transmission project, the Multi-Value Projects, and the cost allocation for these projects. Many of the issues in this NOPR are the same as those in the July 15 Midwest ISO filing, and the OMS has filed comments on the July 15 proposal. The OMS declines at this time to offer further comments on cost allocation in this NOPR, but directs the Commission to the OMS filing and the filings by individual OMS states in ER10-1791-000.

#### **III. Conclusion:**

The OMS submits these comments because a majority of the members have agreed to generally support them. Individual OMS members reserve the right to file separate comments regarding the issues discussed in these comments. The following members generally support those comments:

Indiana Utility Regulatory Commission  
Iowa Utilities Board  
Michigan Public Service Commission  
Minnesota Public Utilities Commission  
Missouri Public Service Commission  
Montana Public Service Commission  
North Dakota Public Service Commission  
South Dakota Public Utilities Commission  
Wisconsin Public Service Commission

The Pennsylvania Public Utility Commission abstained from the vote on these comments. The Manitoba Public Utilities Board did not participate in this pleading. The Illinois Commerce

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<sup>18</sup> Federal Energy Regulatory Commission, Docket ER10-1791-000.

Commission, the Kentucky Public Service Commission,<sup>19</sup> and the Public Utilities Commission of Ohio do not support these comments.

The Minnesota Office of Energy Security and the Indiana Office of Utility Consumer Counselor, as associate members of the OMS, participated in these comments and generally support these comments.

Respectfully submitted,

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<sup>19</sup> The Kentucky Public Service Commission believes that transmission owners in a state not having an RPS or similar public policy requirement should not be required to do transmission planning and cost allocation for such public policy purposes. The Kentucky Commission does not agree that it is fair to allocate such public policy driven costs to states that do not have public policy requirements such as an RPS, to states having an RPS that can be met from the state's own resources, or to states that are unlikely to realize greater benefit than costs from certain new transmission.