

Mobile-Sierra^[4] and may not subsequently be changed by means of an FPA Section 206 complaint unless required by the public interest.^[5]

In the alternative, ITC requests a Commission order granting *Mobile-Sierra* protection on a case-by-case basis as a policy-based incentive under Section 205 of the FPA.⁶

ITC asks that the Commission issue the requested declaratory order within 90 days, or by October 26, 2015, to facilitate ITC's participation in the Southwest Power Pool's ("SPP") first competitive transmission solicitation for the North Liberal-Walkemeyer project, for which responses are due by November 2, 2015.⁷

On July 29, 2015, the Commission issued a Notice of Petition for Declaratory Order, establishing August 27, 2015 as the date on which protests and comments are due.

On August 21, 2015, the American Public Power Association, the Kansas Corporation Commission, the National Rural Electric Cooperative Association (collectively, the "Joint Parties") submitted their Joint (1) Motion to Hold August 27, 2015 Comment Date in Abeyance Pending Ruling on Motion to Dismiss; (2) Request for Expedited Action on Motion to Hold Comment Date in Abeyance; (3) Motion to Dismiss Petition without Prejudice; and (4) Request for Shortened Response Time (collectively, the "August 21 Motion").⁸ Therein, the Joint Parties

⁴ The *Mobile-Sierra* doctrine originated in the Supreme Court's decisions in *United Gas Pipe Line Co. v. Mobile Gas Serv. Corp.*, 350 U.S. 332 (1956) ("*Mobile*") and *FPC v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956) ("*Sierra*").

⁵ Petition at 8-9. *But see* Protest and Answer Opposing Petition for Declaratory Order of the American Public Power Association, the Kansas Corporation Commission, and the National Rural Electric Cooperative Association (collectively, "Joint Parties"), Docket No. EL15-86-000 (Aug. 27, 2015) at n.4 (explaining (1) Order No. 1000 competitive transmission selection processes, which ITC sometimes refers to as "competitive solicitations" in its Petition, select transmission owners to develop a particular project or upgrades and do not necessarily select projects; and (2) it is wrong to equate, as ITC sometimes does in its Petition, a competitive solicitation (*i.e.*, a solicitation that seeks bids to develop a project from qualified bidders) with a competitive rate (*i.e.*, a rate determined through market processes, where up-front showings have been made that define the market and demonstrate the market's competitiveness).

⁶ Petition at 19.

⁷ *Id.* at 20.

⁸ Joint (1) Motion to Hold August 27, 2015 Comment Date in Abeyance Pending Ruling on Motion to Dismiss; (2) Request for Expedited Action on Motion to Hold Comment Date in Abeyance; (3) Motion to Dismiss Petition Without Prejudice; and (4) Request for Shortened Response Time, FERC Docket No. EL15-86 (August 21, 2015), at

argued that although ITC submitted its Petition under Commission Rule 207(a)(2), the relief requested therein would constitute a “rule” as defined by the APA, and should have been submitted in a Petition for Rulemaking under Rule 207(a)(4).⁹ As such, the Joint Parties alleged that ITC’s Petition was procedurally improper and contrary to statutory safeguards that afford interested parties with adequate process to address proposals to create new rights or obligations.¹⁰ On that basis alone, the Joint Parties urged the Commission to dismiss ITC’s Petition, without prejudice, to allow ITC an opportunity to submit a properly supported Petition for Rulemaking.¹¹

On August 27, 2015, the OMS filed a Notice of Intervention and Motion for Extension of Time to Submit Comments pursuant to Rule 214(a)(2) and 212, respectively.¹² The Commission issued an Order granting OMS’s Motion for Extension of Time on September 2, 2015.¹³

II. OMS Answer to Joint Parties’ August 21 Motion

As mentioned previously, the Joint Parties responded to ITC’s Petition by filing their August 21st Motion, requesting that the Commission: (1) shorten the comment period on the Movants’ request to August 24, 2015; (2) issue an expedited order granting the Movants’ motion to hold the August 27, 2015 comment date in abeyance pending a ruling on the Movants’ Motion to Dismiss Petition Without Prejudice; and (3) dismiss ITC’s Petition without prejudice to allow ITC an opportunity to submit a properly supported Petition for Rulemaking.

OMS supports the Joint Parties’ August 21st Motion. ITC’s Petition seeks Commission adoption of a new rule, as that term is defined by the Administrative Procedure Act (APA) and interpreted by the courts. This new rule would have the force and effect of law in future

⁹ August 21 Motion at 3.

¹⁰ *Id.* at 4-10.

¹¹ *Id.* at 3.

¹² Notice of Intervention and Motion for Extension of Time to Submit Comments of the Organization of MISO States, FERC Docket No. EL15-86 (August 27, 2015).

¹³ Notice of Extension of Time, FERC Docket No. EL15-86 (Sept. 2, 2015).

Commission adjudicative proceedings. Thus, ITC's Petition requests that the Commission adopt a legislative rule without first adhering to the APA's notice-and-comment requirement.

Consequently, ITC's Petition is procedurally improper and contrary to the statutory safeguards Congress imposed on administrative rulemaking to afford interested parties with adequate process to address proposals to create new rights or obligations. Thus, the Commission should grant the August 21st Motion of the Joint Parties and reject ITC's Petition without prejudice to afford ITC an opportunity to submit a properly supported Petition for Rulemaking.

A. The APA limits Commission rulemaking discretion.

The Administrative Procedure Act ("APA")¹⁴ identifies three types of federal administrative agency proceedings – rulemaking,¹⁵ adjudication,¹⁶ and licensing¹⁷ – and prescribes specific procedures applicable to those proceedings.¹⁸ For example, agencies must satisfy certain notice-and-comment requirements prior to adopting so-called "legislative rules,"¹⁹ subject to certain statutory exceptions.²⁰

Although federal agencies enjoy broad discretion in choosing whether to establish a rule through adjudication or rulemaking,²¹ that discretion is not unlimited. All federal agencies,

¹⁴ 5 U.S.C. § 500 *et seq.*

¹⁵ See 5 U.S.C. §§ 551(5) (defining "rule-making" as an "agency process for formulating, amending, or repealing a rule").

¹⁶ *Id.* § 551(7) (defining "adjudication" as an "agency process for the formulation of an order").

¹⁷ *Id.* § 551(9) (defining "licensing" as "includ[ing] agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdraw, limitation, amendment, modification, or conditioning of a license").

¹⁸ See *Sierra Club v. Paterson*, 185 F. 3d 349, 366 (5th Cir. 1999).

¹⁹ See *infra*

²⁰ 5 U.S.C. § 553.

²¹ *Time Warner Entm't Co., L.P. v. FCC*, 240 F. 3d 1126, 1141 (D.C. Cir. 2001). See also *Bell Aerospace Co.*, 416 U.S. 267, 294 94 S.Ct. 1757, 40 L.Ed.2d 134 (1974) (observing that "the choice between rulemaking and adjudication lies in the first instance within the Board's discretion"); *SEC v. Chenery Corp.*, 332 U.S. 194, 203, 67 S.Ct. 1575, 91 L.Ed. 1995 (1947) ("[T]he choice made between proceeding by general rule or by individual, ad hoc litigation is one that lies primarily in the informed discretion of the administrative agency.").

including the Commission, remain subject to the constraints of the APA, which prohibits agencies from acting arbitrarily, capriciously, or otherwise abuse the discretion afforded to it.²²

B. ITC's Petition requests that the Commission enact a new "rule."

While most administrative proceedings are adjudicative in nature,²³ any Commission action granting ITC's Petition, either in whole or in part, would constitute impermissible rulemaking. The approval of ITC's Petition ensures an injudicious outcome which affects a wide variety of persons not necessarily enmeshed within the proceedings. As such, it would impose a new "rule" as defined by the APA.

The APA defines "rule" as follows:

the whole or a part of agency statement of *general or particular applicability and future effect* designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency²⁴

When applying this definition and distinguishing adjudications from rule-making procedures, courts typically look for certain "tell-tell features."

In *United States v. Florida East Coast Railway*,²⁵ the Supreme Court outlined the basic distinction between adjudication and rulemaking. Referring to several earlier cases, the Court observed:

[w]hile the line dividing [adjudication and rulemaking] may not always be a bright one, these decisions represent a recognized distinction in administrative law between proceedings for the purpose of promulgating policy-type rules or standards, on the one

²² 5 U.S.C. § 706 (2)(A).

²³ See, e.g., *Sierra Club v. Peterson*, 185 F. 3d 349, 366 (5th Cir. 1999) (noting because due the APA's definitions of "order" and "adjudication," "any agency process that results in a final disposition, except for rulemaking, is necessarily adjudication.") (internal citations and footnotes omitted); *Yesler Terrance Community Council v. Cisneros*, 37 F.3d 442, 448 (9th Cir. 1994) ("An adjudication (which results in an order) is virtually any agency action that is not rulemaking.") (internal citations omitted).

²⁴ 5 U.S.C. § 551(4).

²⁵ 410 U.S. 224, 93 S. Ct. 819, 35 L.Ed.2d 223 (1973) ("*Fl. East Coast Ry.*").

hand, and proceedings designed to adjudicate disputed facts in particular cases on the other.²⁶

Thus, the focus is not on whether a particular proceeding involves trial-type devices (e.g., a Petition for Declaratory Order), but instead turns on the *nature* of the decision reached therein.²⁷

Fundamentally, the two processes differ in purpose and focus:

The object of the rule making proceeding is the implementation or prescription of law or policy for the future, rather than the evaluation of a respondent's past conduct. Typically, the issues relate not to the evidentiary facts, as to which the veracity and demeanor of witnesses would often be important, but rather to the policy-making conclusions to be drawn from the facts. . . . Conversely, adjudication is concerned with the determination of *past and present* rights and liabilities. Normally, there is involved a decision as to whether past conduct was unlawful, so that the proceeding is characterized by an accusatory flavor and may result in disciplinary action.²⁸

As ITC stated in Petition, it seeks to remove purportedly “significant uncertainty and unbalanced risk” from all Commission-approved, Order No. 1000-compliant, demonstrably competitive transmission projection selection processes.²⁹ ITC later claims “[t]his asymmetry will discourage transmission developers from pursuing cost savings and efficiencies in constructing competitive transmission projects”³⁰

²⁶ *Fl. East Coast Ry.* at 244-45 (internal citations omitted). See also *FTC v. Brigadier Industries Corp.*, 613 F. 2d 1110, 1117 (1979)

²⁷ See e.g., *F.T.C. v. Brigadier Industries Corp.*, 613 F.2d 1110, 1117 (D.C. Cir. 1979); *Hercules, Inc. v. EPA*, 598 F.2d 91, 118-19 (D.C. Cir. 1978); *Int’l Harvester Co. v Ruckelshaus*, 478 F.2d. 615, 630 (D.C. Cir. 1973); *American Airlines, Inc. v. CAB*, 359 F.2d 624, 630-31 (D.C. Cir. 1966) (en banc), *cert. denied* 385 U.S. 843, 87 S.Ct. 73, 17 L.Ed.2d 75 (1996).

²⁸ Attorney General’s Manual on the Administrative Procedure Act 14 (1947). The Attorney General’s Manual is a contemporaneous interpretation of the AP. The Supreme Court has repeatedly given the interpretation contained therein great weight, because the Department of Justice played a central role in drafting the APA. See, e.g., *Steadman v. SEC*, 450 U.S. 91, 103, n. 22, 101 S. Ct. 999, 1008, n. 22, 67 L.Ed.2d 68 (1981); *Chrysler Corp. v. Brown*, 441 U.S. 281, 302, n. 31, 99 S. Ct. 1705, 1717-1718, n. 31, 60 L.Ed.2d 208 (1979); *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 546, 98 S. Ct. 1197, 1213, 55 L.Ed.2d 460 (1978).

²⁹ ITC Petition at 13 (“[B]inding bid competitive transmission project selection processes leave transmission developers open to *significant uncertainty and* unbalanced risk of under-recovery due to the possibility of FPA Section 206 complaints filed after project completion . . . [which] will discourage transmission developers from pursuing cost savings and efficiencies in constructing competitive transmission projects”),

³⁰ *Id.*

Leaving aside whether the Petition’s factual claims are true,³¹ any Commission order granting the Petition would constitute rulemaking, because such an order would necessarily enact a rule. That is to say, such a ruling would have legal consequences only for the future,³² and would not determine past or present rights and liabilities of any particular party. No transmission developer has submitted a binding revenue requirement bid of the type ITC proposes – a 40-year (or life of the asset) binding bid with exceptions (“BBE”), and as such, none has been selected as a result of a Commission-approved, Order No. 1000 competitive transmission selection process.

Puzzlingly, ITC makes these same points in its Response to the Joint Motion, yet reaches the exact wrong conclusion.³³ There, ITC admits that “[i]f the Commission grants [the] Petition, ITC will be able to offer BBEs for competitive transmission projects in SPP, MISO and potentially other RTOs.”³⁴ ITC correctly points out the Petition “relates solely to BBEs that *would be submitted* [i.e., *in the future*] to ITC competitive transmission development entities.”³⁵

Simply put, ITC seeks a rule of potentially national import. In its Response to the Joint Motion, ITC admits that its Petition requests a Commission ruling that would apply to BBEs submittals to MISO, SPP and perhaps other unidentified RTOs in the future. It admittedly seeks a Commission ruling that would only have future affect and apply to an unspecified number of individuals. Therefore, granting such request would *by definition* impose a “rule.”

³¹ Several OMS members question the veracity of ITC’s factual claims (such as they are). *See* Motion of Intervention and Comments of the Minnesota Pub. Util. Com’n and Minnesota Dep’t of Commerce, FERC Docket. ER15-86 (filed Aug. 27, 2015), at 4-6; Notice of Intervention and Protest of the Iowa Utilities Board and Iowa Office of Consumer Advocate, FERC Docket No. EL15-86 (filed Aug. 27, 2015), at 4-9; and Protest of the Missouri Public Service Commission to ITC Petition, FERC Docket No. EL15-86, at 2-6.

³² *See Bowen v. Georgetown University Hosp.*, 488 U.S. 204, 216-17, 109 S. Ct. 468, 102 L.Ed.2d 493 (1988) (Scalia, J., concurring) (“The only plausible reading of [the APA’s definition of ‘rule’] is that rules have legal consequences only for the future.”)

³³ ITC Response to Joint Motion, FERC Docket No. EL15-86 (filed Aug. 24, 2015), at 3-4.

³⁴ *Id.* at 4 (emphasis added).

³⁵ *Id.*

C. ITC's Petition seeks the adoption of a new legislative rule, and as such, must be issued through the notice-and-comment process.

Not all "rules" as defined by the APA must be issued through the notice-and-comment process. APA Section 4(b)(A) provides that, unless another statute states otherwise, the notice-and-comment requirement "does not apply to interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice."³⁶

The APA distinguishes between two types of rules – legislative and interpretative rules.³⁷ Legislative rules have the "force and effect of law," and are afforded that weight in the adjudicatory process.³⁸ While the term "interpretative rule" or "interpretive rule," is not expressly defined by the APA and its precise meaning is the source of ongoing scholarly and judicial debate,³⁹ "it suffices to say that the critical feature of interpretative rules is that they are 'issued by the agency to advise the public of the agency's construction of the statutes and rules which it administers.'"⁴⁰

In its Petition, ITC requests Commission adoption of two new legislative rules that would have a profound impact on future Commission adjudicative proceedings, especially future rate proceedings concerning transmission project bids selected in future RTO-administered competitive transmission selection processes. As ITC states several times in its Petition, it seeks a Commission order determining: (1) that binding revenue requirement bids selected as the result of Commission-approved, competitive transmission selection processes will be deemed just and reasonable when filed at the Commission as a stated rate pursuant to FPA Section 205; and (2) that

³⁶ 5 U.S.C. § 553(b)(A).

³⁷ See, e.g., *Perez v. Mortgage Bankers Ass'n*, 1135 U.S. 1119, 1203-04, 191 L.Ed.2d 186, 191 L.Ed.2d 186 (2015)

³⁸ *Perez*, 1135 U.S. at 1203 (quoting *Chrysler Corp. v. Brown*, 441 U.S. 281, 302-303, 99 S. Ct. 1705, 60 L.Ed.2d 208 (1979)); *Shalala v. Guernsey Memorial Hosp.*, 514 U.S. 87, 99-100, 115 S. Ct. 1232, 131 L.Ed.2d 106 (1995).

³⁹ *Perez*, 1135 U.S. at 1204 (citing Pierce, *Distinguishing Legislative Rules from Interpretative Rules*, 52 Admin. L. Rev. 547 (2000); Manning, *Nonlegislative Rules*, 72 Geo. Wash. L. Rev. 83 (2004).

⁴⁰ *Perez*, 1135 U.S. at 1204 (quoting *Shalala*, 514 U.S. at 99).

such bids are entitled to protection under *Mobile-Sierra* and may not subsequently be changed by means of an FPA Section 205 complaint unless required by the public interest.⁴¹

In other words, ITC seeks the adoption of two new rules (i.e., “statement[s] of general or particular applicability and future effect”). If adopted, the two proposed rules would apply in *all future* Section 205 and 206 proceedings before the Commission concerning binding revenue requirement bids selected following a Commission-approved, competitive transmission selection processes, and in turn, “effect a change in existing law or policy [and] affect individual rights [and] obligations.”⁴²

As such, ITC’s Petition seeks the enactment of new legislative rules (i.e., ones which have the force and effect of law in future Commission proceedings) outside of APA-compliant notice-and-comment rulemaking process. Consequently, ITC’s Petition is procedurally improper and contrary to the statutory safeguards Congress imposed on administrative rulemaking to afford interested parties with adequate process to address proposals to create new rights or obligations. Thus, the Commission should grant the August 21st Motion of the Joint Parties and reject ITC’s Petition without prejudice to afford ITC an opportunity to submit a properly supported Petition for Rulemaking.

⁴¹ See, e.g., Petition at 8-9.

⁴² See, e.g., *Splane v. West*, 216 F.3d 1058, 1063 (Fed. Cir. 2000) (internal citations omitted).

III. OMS Comments in Opposition

Leaving aside the procedural deficiencies outlined *supra*, the OMS opposes ITC's Petition for a variety of substantive reasons. Since ITC's Petition is procedurally improper, it should be dismissed on that ground alone. However, out of abundance of caution, OMS offers these comments in opposition. These comments are not intended to be an exhaustive response to ITC's Petition, but rather, merely highlight some of the numerous substantive deficiencies contained in the Petition.

A. *ITC's Petition is not based on substantial evidence.*

First, ITC's Petition reaches several legal conclusions without providing sufficient evidence to support said assertions. The APA requires agencies to "examine the relevant [evidence]" and "articulate a satisfactory explanation for its action [,] including a rational connection between the facts found and the choice made."⁴³ Moreover, agency fact-finding must be supported by "substantial evidence" to pass muster under the APA.⁴⁴ The Court defines "substantial evidence" as evidence that "a reasonable mind might accept as adequate to support a conclusion."⁴⁵

ITC's Petition is replete with legal conclusions unsupported by any evidence, much less substantial evidence. For instance, ITC concludes without providing any evidence that the various RTO-administered competitive selection processes meet the five requirements articulated

⁴³ *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43, 103 S.Ct. 2856, 77 L.Ed.2d. 443 (1983).

⁴⁴ *See, e.g., Safe Extensions, Inc. v. FAA*, 509 F.3d 593, 604 (2007) (internal citations omitted).

⁴⁵ *Richardson v. Perales*, 402 U.S. 389, 401, 91 S. Ct. 1420, 28 L.Ed.2d 842 (1971) (internal citations omitted).

in Commission Order No. 784.⁴⁶ ITC cites no evidence to support this conclusion; it simply assumes it is true.⁴⁷

B. ITC's BBE proposal is inconsistent with, and contrary to, the FPA's consumer-protection focus.

The primary purpose of the FPA is to protect consumers.⁴⁸ As the Supreme Court noted in *Morgan Stanley Capital Group v. Public Utility District No. 1 of Snohomish County*,⁴⁹ “Congress enacted the FPA precisely because it concluded that regulation was necessary to protect consumers from deficient markets.”⁵⁰ ITC now seeks to turn that fundamental purpose on its head.

ITC argues that transmission developers' voluntary decisions to submit “[b]inding revenue requirement bids present an asymmetrical risk for *transmission developers*....”⁵¹ Further, ITC claims that: (1) “[t]he Commission's fundamental obligation under the Federal Power Act is to assure just and reasonable rates;”⁵² (2) binding revenue requirement bids selected as the result of the Order No. 1000 process should be deemed just and reasonable when filed with the Commission as a stated rate under FPA Section 205;⁵³ and (3) consumers should

⁴⁶ ITC Petition at 12 (citing *Third-Party Provision of Ancillary Services; Accounting and Financial Reporting for New Electric Storage Technologies*, Order No. 784, FERC Stat. and Regs. ¶ 31,349, PP 96, 99 (2013)).

⁴⁷ OMS questions whether any evidence currently exists to support ITC's claims since no RTO has completed any competitive bid process for regional transmission projects

⁴⁸ *See, e.g., Pub. Sys. v. FERC*, 606 F. 2d 973, 979, n. 27 (D.C. Cir. 1979) (“[T]he Federal Power Act aim[s] to protect consumers from exorbitant prices and unfair business practices. This purpose can be seen in the statutory requirement that rates be just, reasonable, and nondiscriminatory.”); *Coakley v. Bangor Hydro-Elec. Co.*, Opinion No. 531-B, 150 FERC ¶ 61,165 at 2 (2015) (Comm'r Honorable, concurring) (“[t]he primary purpose of the authority granted to the Commission to ensure a just and reasonable rate is *to protect the consumer*.”) (internal citations omitted).

⁴⁹ 554 U.S. 527 (2008) (“*Morgan Stanley*”)

⁵⁰ *Morgan Stanley*, 554 U.S. at 564.

⁵¹ Petition at 2 (emphasis added).

⁵² *Id.* at 9.

⁵³ *Id.* at 1, 12.

only be able to challenge the justness and reasonableness of binding revenue requirement bids if they meet the higher *Mobile-Sierra* standard.⁵⁴

The FPA's purpose is *not* to protect transmission project developers from any risks associated with their voluntary decisions to submit binding bids; its primary purpose is to protect consumers. Thus, ITC's pleas for protection for entities that voluntarily elect to submit binding revenue requirement bids, at the expense of ratepayer protections, should be rejected as inconsistent with the FPA's fundamental purpose.

C. ITC's Petition requests relief that is inconsistent with the FPA, the APA, and Commission precedent.

As the Joint Parties note in its Protest and Answer Opposing Petition for Declaratory Order,⁵⁵ each ruling requested in ITC's Petition is inconsistent with the FPA, the APA and Commission precedent interpreting both Acts. The first ruling ITC seeks—i.e., that binding revenue requirement bids selected as part of an Order No. 1000 transmission owner selection process be deemed just and reasonable when submitted to the Commission as a stated rate under FPA Section 205⁵⁶—would absolve those filers of their obligations under the FPA to demonstrate that the rate being filed is just and reasonable. Instead, any such filing would simply be deemed just and reasonable without any evidentiary support. The second ruling ITC seeks is that binding bids are entitled to protection under *Mobile-Sierra* and may not subsequently be changed by means of an FPA Section 206 complaint unless required by the public interest.⁵⁷ In essence, ITC seeks a finding that would severely limit parties' rights and abilities to protest any such filing. Instead, those parties would have the burden of proof imposed on them to meet the

⁵⁴ *Id.* at 1, 9.

⁵⁵ Protest and Answer Opposing Petition for Declaratory Order of the Joint Parties, FERC Docket No. EL15-85 (Aug. 27, 2015), at 13-24.

⁵⁶ Petition at 9-12.

⁵⁷ *Id.* at 14-19.

much higher “public interest” standard. For the reasons set forth above, the Commission should reject ITC’s primary proposal.

IV. Conclusion

For the reasons stated above, the OMS⁵⁸ urges the Commission to dismiss ITC’s Petition for Declaratory Order. First and foremost, ITC seeks Commission adoption of two new legislative rules of potential national import that will apply to an unknown number of future Commission proceedings and parties. Moreover, the Commission should also reject ITC’s Petition because it is: (1) devoid of any meaningful evidentiary support; (2) contrary to the fundamental purpose of the FPA; and (3) contrary to the burden of proof and due process protections provided by the FPA, the APA, and the Commission’s regulations.

Respectfully submitted,

Tanya Paslawski

Tanya Paslawski
Executive Director
Organization of MISO States
100 Court Avenue, Suite 315
Des Moines, Iowa 50309
(515) 243-0742
tanya@misostates.org

Dated: September 10, 2015

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated the 10th day of August, 2015.

Tanya Paslawski

⁵⁸ The Manitoba Public Utilities Board abstained.