

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

LSP Transmission Holdings II, LLC)	
Cardinal Point Electric, LLC)	
LS Power Midcontinent, LLC)	
)	
Complainants,)	Docket No. EL19-79-000
)	
Midcontinent Independent System)	
Operator, Inc.)	

**MOTION TO HOLD COMPLAINT IN ABEYANCE OF
THE ORGANIZATION OF MISO STATES, INC.**

Pursuant to 18 C.F.R. §385.212 (2019) of the Federal Energy Regulatory Commission’s (“FERC”) Rules of Practice and Procedure, the Organization of MISO States, Inc. (“OMS”) moves the Commission to hold LS Power’s¹ complaint² in this docket in abeyance until the Midcontinent Independent Operator (“MISO”) can refile its regional cost allocation proposal and FERC issues an Order.

MISO is currently modifying its recently rejected regional cost allocation proposal. The original proposal³ was the result of over four years of nearly monthly stakeholder discussion within the Regional Expansion Criteria and Benefits Work Group.⁴ In rejecting MISO’s proposal the Commission gave MISO valuable guidance on “how Filing Parties might refine their proposal if they choose to make a new filing.”⁵ MISO has represented to OMS that it intends to follow the

¹ Collectively, LS Power Transmission Holdings II, LLC, Cardinal Point Electric, LLC, and LS Power Midcontinent, LLC are referred to herein as “LS Power.”

² *LS Power Transmission Holdings II, LLC, Cardinal Point Electric, LLC, and LS Power Midcontinent, LLC v. Midcontinent Indep. Sys. Operator, Inc.*, “Complaint of LS Power Transmission Holdings II, LLC, Cardinal Point Electric, LLC, and LS Power Midcontinent, LLC,” Docket No. EL19-79-000 (Jun. 5, 2019) (Complaint).

³ *Midcontinent Indep. Sys. Operator, Inc. and the MISO Transmission Owners*, “Proposed Revisions to Module A, Attachment FF and New Attachment FF-7 to Expand and Clarify Economic Project Selection and Cost Allocation,” Docket Nos. ER19-1124-000 and ER19-1125-000 (Feb. 25, 2019) (Regional Filing).

⁴ *Id.* at 10.

⁵ *Midcontinent Indep. Sys. Operator, Inc.*, 167 FERC ¶ 61,258, P 1 (2019) (Regional Order).

Commission's guidance and refile its regional cost allocation proposal in the near future. MISO's revised regional cost allocation filing will impact the issues raised in the Complaint filed in this docket.

LS Power has requested that the Commission direct MISO to do two things:

- (1) lower the voltage threshold for Market Efficiency Projects to 100 kV and
- (2) submit a cost allocation method for projects below 345 kV down to 100 kV that reflects the fact that multiple Transmission Pricing Zones can benefit from the project and which allocates costs to the beneficiaries in a manner that is roughly commensurate with the economic benefits received.⁶

The OMS expects MISO's regional proposal to address what the voltage threshold for Market Efficiency Projects should be and how the costs of these projects should be allocated.⁷ The Commission encouraged MISO to consider whether or not its regional cost allocation proposal could be modified so as to address the Commission's cost causation concerns⁸ -- something MISO is actively engaging stakeholders on. An early ruling on the Complaint in this docket would cut short stakeholder discussion.

The Commission should at the very least hold this matter in abeyance for 90 days so that MISO has time to refile its cost allocation reforms and so that the Commission has time to rule on them. The Commission has previously held complaints in abeyance when the issues in the complaint overlapped with an ongoing Commission proceeding,⁹ and the Commission should do the same here.

⁶ Complaint at p. 28.

⁷ Regional Filing at 19-27.

⁸ Regional Order at P 67.

⁹ *Northern Indiana Public Service Co. v. Midcontinent Indep. Sys. Operator, Inc. and PJM Interconnection, L.L.C.*, 145 FERC ¶ 61,256 (2013). The Commission wrote, "NIPSCO asserts that it filed this complaint to reform the cross-border transmission planning provisions of the JOA. MISO and PJM argue that their Order No. 1000 compliance filings are still pending and thus, the complaint's claims of non-compliance are beyond the scope of a section 206 filing and are premature. Upon review of the complaint, we conclude that it is premature to act on this complaint at this time and will instead hold the complaint in abeyance pending further Commission action. We agree with MISO and PJM that the complaint raises issues that overlap with the MISO-PJM Order No. 1000 interregional compliance filings, which are currently pending before the Commission."

WHEREFORE, as the issues LS Power has raised in its complaint are currently being addressed in other Commission proceedings, OMS moves the Commission to hold LS Power's complaint in this docket in abeyance until MISO can refile its regional cost allocation proposal and the Commission can rule on it.

The OMS submits this motion because a majority of its members have agreed to generally support it.¹⁰ Individual OMS members reserve the right to file separate comments regarding the issues discussed in this docket.

Respectfully submitted,

/s/ Marcus Hawkins

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Dated July 24, 2019

¹⁰ The Michigan Public Service Commission abstained from this vote. The Manitoba Public Utilities Board did not participate in the vote.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list prepare by the Secretary for the above-captioned docket in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.2010 (2019).

DATED at Madison, Wisconsin this the 24th day of July, 2019.

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