

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

Coalition of Midwest Power Producers, Inc. )  
v. )  
Midwest Independent System Operator, Inc. )

Docket No. EL19-28-000

**NOTICE OF INTERVENTION AND COMMENTS OF THE  
ORGANIZATION OF MISO STATES**

Pursuant to Rule 211 and 214(a)(2) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. §385.211 and §385.214(a)(2), the Organization of MISO States (“OMS”) submits its Notice of Intervention and comments in the above-captioned docket.

On December 31, 2018, the Coalition of Midwest Power Producers (“COMPP”) filed a complaint<sup>1</sup> against the Midcontinent Independent System Operator, Inc. (“MISO”) regarding MISO’s failure to comply with the terms of its Open Access Transmission, Energy and Operating Reserve Markets Tariff (“Tariff”) Sections 68A.1, 68A.2, and 68A.2.1 by failing to require all Capacity Resources be fully deliverable in the manner consistent with the establishment of the Planning Reserve Margin (“PRM”) and the study methods used to perform its Loss of Load Expectation Study (“LOLE”). The complaint raises issues impacting the upcoming Planning Resource Auction (“PRA”) and requests immediate action from the Commission to require compliance with the deliverability requirement of the Tariff in the

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<sup>1</sup> *Coalition of Midwest Power Producers, Inc. V. Midcontinent Independent System Operator, Inc.*, Docket No. EL19-28-000 (December 31, 2018).

upcoming PRA. OMS believes that the concern would be better addressed through an ongoing stakeholder process.

### **I. Notice of Intervention**

The OMS is a non-profit, self-governing organization comprised of representatives from the seventeen regulatory bodies with jurisdiction over entities participating in MISO and serves as the regional state committee. The purpose of the OMS is to coordinate regulatory oversight among its members; make recommendations to MISO, the MISO Board of Directors, the Commission, and other relevant government entities and state commissions as appropriate; and intervene in proceedings before the Commission to express the positions of the OMS member agencies. As such, the OMS files its Notice of Intervention in this proceeding under Rule 214(a)(2), 18 C.F.R. §385.214(a)(2), of the Commission's Rules of Practice and Procedure.

Service of pleadings, documents, and communications should be made on the following:

Marcus Hawkins  
Executive Director  
Organization of MISO States  
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### **II. COMMENTS**

In its Complaint, COMPP argues that MISO is operating with historically low reserve margins and that it is improperly counting approximately 1,400 MW of undeliverable generation towards satisfying its Planning Reserve Margin. COMPP states that MISO is not complying with the Tariff because MISO is allowing some resources to demonstrate deliverability only up to the Unforced Capacity ("UCAP") level instead of the Installed Capacity ("ICAP") amount as

required by the Tariff. Therefore, they state that, MISO is not following its assumptions in the LOLE study and fails to procure enough fully deliverable services to meet the PRM. COMPP states that the Independent Market Monitor (“IMM”) has noted that, in the prior PRAs, as much as 1,400 MW of capacity resources in the footprint *might* not actually have full deliverability to meet load.<sup>2</sup> However, in its Complaint, COMPP refers to these 1400 MW as being *undeliverable* without sufficient evidence thereof.<sup>3</sup>

MISO has been working with its stakeholders to implement the IMM recommendations. At the November 7, 2018 Resource Adequacy Subcommittee meeting, stakeholders discussed the IMM’s 2017 State of Market Report<sup>4</sup>, including discussion of this recommendation. The proposal that is moving through the stakeholder process would require that all resources considered for MISO’s PRA be deliverable up to their ICAP value, with changes made in time for the 2020-2021 PRA. This would also allow time to better understand the level of risk that may or may not be present and provide time for generators to procure transmission service to meet any new, more stringent, requirements. Forcing the change to occur prior to the upcoming 2019-2020 Planning Year could inappropriately force some capacity out of market unnecessarily by raising the bar to enter the PRA after registration processes have already commenced.

COMPP raises concerns about long-term resource adequacy supply, citing the June 2018 OMS-MISO Survey which showed a drop of committed capacity projections from 3.9 GW to 0.6 GW.<sup>5</sup> However, COMPP fails to recognize the conclusions in the same report that found the

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<sup>2</sup> EL19-28 Complaint, at 2.

<sup>3</sup> EL19-28 Complaint, at 2.

<sup>4</sup> The 2017 IMM State of the Market Report was published in June of 2018. MISO provided their formal response in October 2018.

<sup>5</sup> <https://cdn.misoenergy.org/20180608%20OMS%20MISO%202018%20Executive%20Summary218787.pdf>  
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MISO region is projected to have adequate resources to meet its Planning Reserve Requirement for 2019. Furthermore, the same report states that “the region is projected to have 0.6 GW to 6.6 GW resources in excess of the regional requirement, based on responses from over 97% of MISO load.”<sup>6</sup>

COMPP requests a FERC order on the issue by March 1<sup>st</sup>. This would not be workable under MISO’s current PRA timeline requirements.<sup>7</sup> MISO has already reviewed the list of units with conditional interconnection service on November 15<sup>th</sup>, 2018 for the upcoming PRA. Furthermore, many resource registrations and study processes commence on February 1<sup>st</sup>, including resource owner confirmation of UCAP values.

In conclusion, the OMS requests that the Commission deny the request for fast-track processing and submits that it opposes this complaint at this time due to the current PRA timeline filing requirements from resources within MISO, the current agreement from MISO that it will work with stakeholders this year, and the fact that this will not cause a reliability issue for the 2019-2020 Planning year. The OMS looks forward to working with MISO and stakeholders to develop changes by the end of 2019 to be effective for the 2020-2021 PRA.

The OMS submits this protest because a majority of its members have agreed to generally support them.<sup>8</sup> Individual OMS members reserve the right to file separate comments regarding the issues discussed in these comments.

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<sup>6</sup> <https://cdn.misoenergy.org/20180608%20OMS%20MISO%202018%20Executive%20Summary218787.pdf>  
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<sup>7</sup> <https://cdn.misoenergy.org/20180912%20RASC%20Item%2003c%20PY%202019-20%20PRA%20Timeline273527.pdf>

<sup>8</sup> The Manitoba Public Utilities Board did not participate in this filing.

Respectfully Submitted,  
*Marcus Hawkins*

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Dated: January 22, 2019

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 this 22 day of January 2019.

*Marcus Hawkins*