

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

Coalition of MISO Transmission Customers,	)	
Industrial Energy Customers of America,	)	
LS Power Midcontinent, LLC	)	
	)	
Complainants,	)	Docket No. EL20-19-000
	)	
Midcontinent Independent System	)	
Operator, Inc.	)	

**NOTICE OF INTERVENTION AND  
COMMENTS IN SUPPORT OF MISO’S REQUEST FOR EXTENSION OF TIME  
OF THE ORGANIZATION OF MISO STATES, INC.**

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 in the above-captioned docket and comments in support of the Midcontinent Independent System Operator, Inc.’s (“MISO”) motion for an extension<sup>1</sup> of time in the above-captioned complaint proceeding from February 10, 2020<sup>2</sup> to March 26, 2020. Due to the complex and technical assertions made in the Complaint,<sup>3</sup> the OMS agrees with MISO that the 20-day comment period in this matter does not afford parties a sufficient amount of time to analyze the data and allegations contained in the Complaint. Further, the OMS agrees that there are not grounds to Fast Track this Complaint as the costs the Complainants seek to modify have already been allocated and Section 206 of the Federal

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<sup>1</sup> *Coalition of MISO Transmission Customers, Industrial Energy Consumers of America, and LS Power Midcontinent, LLC v. Midcontinent Independent System Operator, Inc.*, “Motion of the Midcontinent Independent System Operator, Inc., to Extend the Comment Date and for Expedited Action on the Motion,” Docket No. EL20-19-000 (Jan. 29, 2020) (MISO Extension Motion).

<sup>2</sup> See Notice of Complaint, Docket No. EL19-20-000 (Jan. 22, 2020) (“January 22nd Notice”).

<sup>3</sup> *Coalition of MISO Transmission Customers, Industrial Energy Consumers of America, and LS Power Midcontinent, LLC v. Midcontinent Independent System Operator, Inc.*, “Complaint of Coalition of MISO Transmission Customers, Industrial Energy Consumers of America, and LS Power Midcontinent, LLC, and Request for Fast Track Processing,” Docket No. EL20-19-000 (Jan. 21, 2020) (Complaint).

Power Act (“FPA”) bars retroactive relief.<sup>4</sup> Therefore, the Commission should grant MISO’s extension to allow all affected parties a reasonable amount of time to prepare a thorough response, and the Commission should deny Fast-Track procedures for this Complaint.

## **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, to make recommendations to MISO, the MISO Board of Directors, the Commission, and other relevant government entities and state commissions as appropriate, and to 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 in this proceeding should be made on the following:

Marcus Hawkins  
 Executive Director  
 Organization of MISO States  
 699 Walnut St. 4th Floor, Suite 468  
 Des Moines, IA 50309  
 marcus@misostates.org

Ben Sloan  
 Director of Regulatory Affairs  
 Organization of MISO States  
 699 Walnut St. 4th Floor, Suite 468  
 Des Moines, IA 50309  
 ben@misostates.org

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<sup>4</sup> 16 U.S.C. § 824e(a).

## II. SUPPORT FOR EXTENSION REQUEST

Complainants ask the Commission to replace MISO's existing FERC-approved cost allocation method regarding Baseline Reliability Projects ("BRPs") with a different cost allocation method which they prefer. Complainants rely on a report ("the Pterra Report") that contains Critical Energy/Electric Infrastructure Information ("CEII") which renders affected parties unable to fully comment upon the report's analysis.<sup>5</sup> The Pterra Report contains detailed analyses involving a large subset of MISO transmission projects over a six-year period. The OMS will need to work with MISO and the Complainants to more fully understand the Complaint's assertions and to develop a thorough response. The current 20-day comment window does not afford affected parties an adequate amount of time to do this.

Further, there is no genuine need to Fast Track this complaint as the costs the Complainants seek to modify have already been approved as part of MISO's MTEP 2019 process, and Section 206 of the FPA bars retroactive relief. Nor do the Complainant's assertions render MISO's request for extension unreasonable. The 45-day extension requested by MISO will ensure that all affected parties are afforded the opportunity to thoroughly review the data and analysis contained in the Complaint and to formulate a thorough response.

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<sup>5</sup> See Complaint, Attachment B.

### III. CONCLUSION

**WHEREFORE**, the OMS respectfully requests the Commission grant MISO's request for a 45-day extension of time to March 26, 2020, for interested parties to respond to this complaint and to deny the Complainants' request for Fast-Track processing.

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

Respectfully submitted,

*(s/ Marcus Hawkins*

Marcus Hawkins  
Executive Director  
Organization of MISO States  
699 Walnut Street, Suite 468  
Des Moines, IA 50309  
marcus@misostates.org

Dated February 4<sup>th</sup>, 2020

### CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list prepared 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.

DATED at Madison, Wisconsin this the 4<sup>th</sup> day of February, 2020.

*(s/ Marcus Hawkins*

Marcus Hawkins  
Executive Director  
Organization of MISO States  
699 Walnut Street, Suite 468  
Des Moines, IA 50309  
marcus@misostates.org

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