

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

Midcontinent Independent System Operator)

Docket No. ER20-1926-000

**NOTICE OF INTERVENTION AND
COMMENTS OF THE ORGANIZATION OF MISO STATES, INC.**

Pursuant to Rules 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”) tariff revisions to the MISO Transmission Owner’s Agreement (“TOA”) to create a new Affiliate sector at the MISO Advisory Committee (“AC”) with no vote and one seat on the AC.¹ The OMS was instrumental in creating the current proposal, and the Commission should accept the revisions as proposed.

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 (“BOD”), 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.

¹ *Midcontinent Indep. Sys. Operator, Inc.*, “Revisions to Rate Schedule 1 to Establish a New Affiliate Sector for the Advisory Committee” Docket No. ER20-1926 (Filed May 29, 2020) (“Proposal”).

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

Marcus Hawkins
Executive Director
Organization of MISO States
811 E. Washington Avenue, Suite 500
Madison, WI 53703
marcus@misostates.org

Ben Sloan
Director of Regulatory Affairs
Organization of MISO States
811 E. Washington Avenue, Suite 500
Madison, WI 53703
ben@misostates.org

II. BACKGROUND

MISO's revisions to the TOA would create one seat on the MISO AC for entities that do not neatly fit in any of MISO's existing sectors, and this new stakeholder group would be called the Affiliate sector.² Currently, the TOA requires entities that do not neatly fit in any other sector to join the Environmental/Other sector. This proposal would remove the "Other" designation from this Environmental/Other sector, leaving it comprised solely of recognized consumer and environmental organizations with an interest in MISO.³

These TOA revisions are being proposed now because in late 2018, the Lignite Energy Council ("LEC") sought membership in MISO, but it was clear that this entity's priorities would not align with the majority if not all members of the Environmental/Other sector. Therefore, the AC began talks on how to incorporate new entities into MISO better. After much discussion and modification to various proposals, the AC considered two options before presenting its recommendation to the MISO BOD earlier this year. The first option would have split the Environmental/Other sector's two votes and would have allocated one vote to the Environmental Sector and one vote to the new Affiliate sector. The second option would have accepted the LEC into the Environmental/Other sector for a 6-month trial period.⁴

² *Id.* at 7.

³ *Id.*

⁴ *Id.* at 5-6.

The OMS and the Public Consumers sector independently proposed similar alternatives to these options, that would create a new affiliate sector with one seat on the AC but no formal voting rights. This alternative proposal recognized that the opportunity to engage in discussions before the board is just as valuable, if not more valuable, than having a formal vote within the AC. This alternative option was supported by a majority of the AC and approved by the MISO BOD. Nonetheless, the MISO BOD encouraged the AC to continue discussing this issue and consider ways to enhance the participation, alignment, and effectiveness of entities within the stakeholder process. The MISO BOD directed the AC to return in a year with a more long-term proposal.⁵

III. COMMENTS

The OMS was heavily involved in the conversations that led to the alternative that was ultimately supported by the AC, approved by the MISO BOD, and reflected in this filing. The OMS believes this proposal does a good job of ensuring that interested stakeholders can enter and participate in the MISO AC process in a meaningful way, including participating in discussions before the MISO BOD. Even before this filing was proposed, stakeholders had many avenues for meaningful participation available to them through the existing MISO stakeholder process. That said, stakeholders who are not current members of MISO have a variety of interests and desire to participate at the AC. For those entities, this proposal provides flexibility and makes it easier for them to enter the conversation when appropriate. As such, the OMS supports MISO's proposal.

⁵ See, April 6 Memorandum from Chair Currie to MISO Advisory Committee Representatives, posted April 22, 2020 Advisory Committee meeting materials, *available at*, <https://cdn.misoenergy.org/20200422%20AC%20Item%2002%20BOD%20Chair%20Currie%20letter%20to%20AC442429.pdf>

While the MISO BOD has directed the AC to revise this proposal, that does not diminish the improvements that this proposal would bring to the MISO stakeholder process. It would ensure that the Environmental sector consists of aligned organizations instead of placing organizations with potentially diametrically opposed viewpoints into this group. This current framework would be not only unfair to the Environmental sector, it would be unfair to the LEC and other new entities as they would have to compete for time at the table before the AC within a sector that does not agree with them and could have internal processes that disfavor them.

Further, just because MISO intends to return with enhancements to this proposal in a year does not mean that the Commission should not approve these TOA revisions now. The OMS proposed and fully supports the current proposal and is willing to engage in further discussions on the incorporation of new entities within MISO if the MISO BOD believes there are opportunities the AC has not considered. The OMS sees the current proposal as an effective modification of the MISO stakeholder process, and the Commission should accept these revisions at this time.

IV. CONCLUSION

Wherefore, the OMS respectfully requests the Commission accept MISO's revisions to the TOA filed in this docket. The OMS submits this *Notice of Intervention and Comments* because a majority of OMS members support this filing. Individual OMS members reserve the right to file separate comments regarding the issues discussed in these comments. The following members generally support this request:

Arkansas Public Service Commission
Illinois Commerce Commission
Indiana Utility Regulatory Commission
Iowa Utilities Board
Kentucky Public Service Commission
Louisiana Public Service Commission
Michigan Public Service Commission

Minnesota Public Utilities Commission
Mississippi Public Service Commission
Missouri Public Service Commission
Montana Public Service Commission
New Orleans City Council Utilities Regulatory Office
North Dakota Public Service Commission
South Dakota Public Utilities Commission
Public Utility Commission of Texas
Wisconsin Public Service Commission

The Manitoba Public Utilities Board did not participate in the vote on this filing.

Respectfully submitted,

/s/ Marcus Hawkins

Marcus Hawkins
Executive Director
Organization of MISO States
811 E. Washington Ave., Suite 500
Madison, WI 53703
marcus@misostates.org

Dated June 19th, 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 19th of June 2020.

/s/ Marcus Hawkins

Marcus Hawkins
Executive Director
Organization of MISO States
811 E. Washington Ave., Suite 500
Madison, WI 53703
marcus@misostates.org

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