



PRESS RELEASE

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CONSUMERS ARE DENIED THE RIGHT TO JUDICIAL REVIEW OF ELECTRIC TRANSMISSION INCENTIVE

WASHINGTON, DC – On May 15, 2025, the Industrial Energy Consumers of America (IECA) provided [notice](#) to the FERC of a recent appellate court decision that directly impacts FERC’s electric transmission incentives policy under Section 219 of the Federal Power Act that warrants an expeditious change in policy as to how the FERC reviews, processes, and authorizes an abandoned plant incentive.

Paul N. Cicio, President & CEO of IECA, made the following statement:

Electric utility transmission monopolies are routinely awarded as many as ten different incentives to build electric transmission lines. One hundred percent of the cost of the incentives can easily be charged to rate payers – even if projects are never built and never serve customers – resulting in substantial electricity price inflation.

Worse yet, is that the D.C. Circuit Court of Appeals dismissed an IECA petition for review challenging the abandoned plant incentive to a transmission owner in the MISO region on the grounds that consumers lacked standing. Without the ability of consumers to challenge an incentive, electric utilities will be encouraged to take on higher risk projects because they know recovery of costs, even if the project is abandoned, will be passed onto consumers. Consumers cannot challenge the authorization of the incentive at the time approval is sought; instead, consumers must demonstrate – at some point in the future when the utility seeks to recover costs for an abandoned plant – that project costs were not prudently incurred.

We ask the FERC to expeditiously review and reform its rules on awarding incentives. As Chair Christie recently emphasized in a dissenting statement in the Valley Link Transmission proceeding (ER25-1633):

- “...it is long past time for this Commission to do its job of protecting consumers by cutting back on its unfair practice of handing out ‘FERC candy’ without any serious consideration of the impact on consumers.”

- “Costs associated with the Commission’s inaction on incentives have been mounting and will continue to be inflicted on consumers unless the Commission acts. It is time to act now.”

The Industrial Energy Consumers of America is a nonpartisan association of leading manufacturing companies with \$1.3 trillion in annual sales, over 12,000 facilities nationwide, and with more than 1.9 million employees. One hundred percent of IECA members are manufacturing companies whose competitiveness is largely determined by the cost and reliability of natural gas and electricity. IECA’s sole mission is to reduce and avoid energy costs and increase energy reliability through advocacy in Congress and regulatory agencies, such as the Federal Energy Regulatory Commission (FERC). IECA membership represents a diverse set of industries including chemicals, plastics, steel, iron ore, aluminum, paper, food processing, fertilizer, insulation, glass, industrial gases, pharmaceutical, consumer goods, building products, automotive, independent oil refining, and cement.