

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

International Transmission Co. d/b/a ITC)	
Transmission, <i>et al.</i>)	
)	
Complainants,)	
v.)	
)	Docket No. EL26-58-000
Midcontinent Independent System Operator,)	
Inc. and Southwest Power Pool, Inc.,)	
)	
Respondents)	

**MOTION FOR LEAVE TO ANSWER AND ANSWER OF
THE INDUSTRIAL ENERGY CONSUMERS OF AMERICA,
THE ELECTRICITY TRANSMISSION COMPETITION COALITION,
THE COALITION OF MISO TRANSMISSION CUSTOMERS,
THE MIDWEST LARGE ENERGY CONSUMERS,
THE WISCONSIN INDUSTRIAL ENERGY GROUP, THE ASSOCIATION OF
BUSINESSES ADVOCATING FOR TARIFF EQUITY, AND THE MARYLAND
OFFICE OF PEOPLE’S COUNSEL**

Pursuant to Rules 212 and 213 of the Federal Energy Regulatory Commission’s (“FERC” or “Commission”) Rules of Practices and Procedures,¹ the Industrial Energy Consumers of America (“IECA”), the Electricity Transmission Competition Coalition (“ETCC”), the Coalition of MISO Transmission Customers (“CMTC”), the Midwest Large Energy Consumers, the Wisconsin Industrial Energy Group, the Association of Businesses Advocating for Tariff Equity (“ABATE”), and the Maryland Office of People’s Counsel (collectively, “Protesters”)² submit this Motion for Leave to Answer and Answer (“Answer”) to the answer³ of Southwest Power Pool,

¹ 18 CFR §§ 385.212, 385.213.

² See Protest of the Industrial Energy Consumers of America, the Electricity Transmission Competition Coalition, the Coalition of MISO Transmission Customers, the Midwest Large Energy Consumers, the Wisconsin Industrial Energy Group, the Association of Businesses Advocating for Tariff Equity, and the Maryland Office of People’s Counsel, Docket No. EL26-58.

³ “Answer of Southwest Power Pool.” Docket Nos. EL26-58-000, (filed May 27, 2026) (“SPP Answer”).

Inc. (“SPP”) pertaining to the Complaint filed by a group of incumbent utilities in the Midcontinent Independent System Operator, Inc. (“MISO”) and SPP transmission grids requesting that the Federal Energy Regulatory Commission (“FERC” or “Commission”) find that MISO and SPP Tariff provisions relating to competitive solicitations for regional electric transmission projects under the Commission’s jurisdiction are unjust and unreasonable.⁴ SPP’s Answer firmly establishes that the existing SPP tariff rules regarding transmission competition remain just and reasonable. MISO’s answer established the same with respect to MISO’s tariff. As such, the Complaint must be dismissed. To avoid protracted litigation and regulatory uncertainty, Protesters respectfully ask the Commission to definitively reject the Complaint as soon as possible.

I. MOTION FOR LEAVE TO FILE ANSWER

Protesters respectfully submit that this Answer will clarify the issues herein, assist the Commission in its decision-making, and help build a complete record. The Commission has discretion to accept responses to answers and has routinely done so for good cause where accepting the response would either lead to a more complete or accurate record, improve the Commission’s understanding of the issues, clarify disputed or erroneous matters, or help the Commission in its decision-making.⁵ Good cause exists for the Commission to accept this Answer because it provides information that is not otherwise in the record and attempts to clarify salient points which SPP mischaracterized in its answer.

⁴ See *International Transmission Co. et al. v. Midcontinent Independent System Operator, Inc. and Southwest Power Pool, Inc.*, Docket No. EL26-58-000 (filed Apr. 7, 2026) (“Complaint”).

⁵ 18 C.F.R. § 385.213(a)(2); see, e.g., *PJM Interconnection, L.L.C.*, 158 FERC ¶ 61,133, at P 12 (2017) (accepting answers to protests because they provided information that assisted in the Commission’s decision-making process); *KO Transmission Co.*, 156 FERC ¶ 61,147, at n. 5 (2016) (accepting an answer to a protest because it provided a better understanding of the issues and ensured a complete record); *TransColorado Gas Transmission Co.*, 111 FERC ¶ 61,208, at P 4 (2005).

II. ANSWER

The bulk of the SPP Answer is devoted to a recitation of SPP’s longstanding aversion to compliance with the Commission’s elimination of federal rights of first refusal in Order No. 1000,⁶ interspersed with self-congratulation for its efforts to “address[] the foremost crisis facing the electricity industry at this time—i.e., the speedy, efficient, and reliable interconnection of a massive influx of load and the large amounts of generation needed to serve those loads.”⁷ As discussed below, SPP’s grouching is no less an impermissible collateral attack on Order No. 1000 and related administrative and judicial rulings than the Complaint itself. The SPP Answer also reveals SPP’s troubling indifference to consumers who, as Protesters and others have made clear in their protests to the Complaint, desperately need the protections against ballooning transmission costs that competitive solicitations provide. Ultimately, however much SPP may want to eliminate competition for transmission development, its answer effectively (and perhaps unintentionally) sinks the Complaint. It does so by rebutting Complainants’ core allegation that the SPP Tariff is unjust and unreasonable because competitive solicitations are supposedly resulting in undue delay when it states that recent tariff:

changes and other changes that are being developed currently through the stakeholder process will position SPP to meet the moment by ensuring timely interconnection of large load and generation, building out the transmission network, and ensuring safe and reliable service throughout the region, ***regardless of how the Commission acts on the Complaint.***⁸

⁶ *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, 136 FERC ¶ 66,051 (2011) (“Order No. 1000”), *order on reh’g*, Order No. 1000-A, 139 FERC ¶ 61,132 (2012) (“Order No. 1000-A”), *order on reh’g and clarification*, Order No. 1000-B, 141 FERC ¶ 61,044 (2012), *aff’d sub nom. S.C. Pub. Serv. Auth. v. FERC*, 762 F.3d 41 (D.C. Cir. 2014) (“*South Carolina*”).

⁷ SPP Answer at 2.

⁸ SPP Answer at 35 (emphasis added).

In other words, there is not, and will not be, any unjust and unreasonable delay in interconnection or transmission development in SPP, and there is, therefore, no basis for granting the Complaint. And most critically from Protesters' perspective, there is no need to sacrifice the benefits of competition in the name of expediting interconnection and transmission development.

A. The SPP Answer Constitutes an Impermissible Collateral Attack on Order No. 1000 and Its Binding Appellate Precedent.

While SPP's Answer claims that by not opining directly on Complainants' proposal of a temporary or permanent moratorium on competition that SPP opts to "leave policy decisions to the Commission,"⁹ SPP uses its answer to reiterate its longstanding opposition to Order 1000 and transmission competition. Not unlike the Complaint, SPP uses its answer as an opportunity to reargue and collaterally attack the Commission's decision in Order No. 1000. What SPP attempts to package as a historical narrative on Order 1000 reads as prolonged harping and rearguing of prior cases that SPP and its allies lost.¹⁰

In its answer, SPP suggests that its 90-day "right of first obligation," was a "compromise" to complete elimination of contractual division of the market, it reiterates its concerns expressed to the Commission during the Notice of Proposed Rulemaking for Order No. 1000, its concerns with the Commission's expansion of the definition of "regional" in Order No. 1000-A, and its participation in *South Carolina Public Service Authority v. FERC*.¹¹ Though SPP characterizes Order No. 1000's compliance process as "fraught with litigation,"¹² it is important to note that that

⁹ SPP Answer at 3.

¹⁰ *See id.* at 4, 8-27 (detail the Order No. 1000 history and complaining about FERC's decision to remove a federal right of first refusal ("ROFR") from jurisdictional tariffs).

¹¹ *See Id.* at 10-15.

¹² *Id.* at 16.

is only because SPP, as a self-confessed “early and frequent skeptic,”¹³ chose to litigate.¹⁴ The Commission ruled against SPP, and its rulings were affirmed in all cases by the courts of appeal. Accordingly, the Commission should ignore SPP’s laments and collateral attacks, as they have no bearing as to whether the existing Tariff provisions are just and reasonable. Indeed, as SPP concedes, its Tariff “complies with current Commission policy as enshrined in Order No. 1000,”¹⁵ and that policy reflects the determination in Order No. 1000 that “the elimination of federal rights of first refusal from Commission-jurisdictional tariffs and agreements is necessary and appropriate to ensure that rates for jurisdictional services are just and reasonable.”¹⁶

While the SPP Answer points to litigation around various state ROFRs as evidence of the uncertainty allegedly caused by elimination of the contractually granted rights of first refusal, SPP’s Answer erroneously identifies the problem. The problem is not the elimination of the contractual (cartel like) division of the market but instead the decade and a half long effort to circumvent compliance with that directive. SPP has, unfortunately, been a willing participant in

¹³ *Id.* at 48.

¹⁴ All other litigation related to Order No. 1000’s required transmission competition can be tied to incumbent transmission owner’s varied and numerous efforts to circumvent the obligation to compete.

¹⁵ *Id.* at 4.

¹⁶ See Order No. 1000 at P 313. The May 2016 R Street Institute Study, “Need for Speed: An Analysis of Speed to Market and Cost Results of Competitive Transmission,” the Protest and its accompanying testimony, along with the comments, letters, and protests filed by dozens of other parties in the proceeding immediately undermine SPP’s claim. See Letters of the Iowa Legislature, Kansas Legislature, Kansas Chamber, Wisconsin Legislature, Missouri Senate, Missouri Representatives, Montana Senate Energy, Technology, and Federal Relations Committee, and Kimberly-Clarke at Docket No. EL26-58-000. See Protests of LS Power, Advanced Energy United, Invenergy, Clean Energy Advocates, Joint Consumer Advocates, National Grid, ELCON, ECA, EPSA, SEIA, Ohio Consumers’ Counsel, and Viridon at Docket No. EL26-58-000. See Comments of Illinois Commerce Commission, Harvard Electricity Law Institute, Advanced Power Alliance, National Association of State Utility Consumer Advocates, Americans for Prosperity, SPP Load Responsible Entities, Southern Renewable Energy Association, Missouri Public Service Commission, and Kansas Corporation Commission at Docket No. EL26-58-000.

those efforts to ignore the value of competition.¹⁷ The Complaint is just the latest effort in that string, and SPP's answer, as it has consistently, throws consumer interests to the side in its haste to prop up the interests of its transmission owner members, while pretending to be a neutral party.

In fact, SPP's Answer later requests the Commission explicitly specify how it should adopt any applicable replacement rates, as it may be in the middle of a competitive RFP process or in the midst of approving its annual Integrated Transmission Planning ("ITP") portfolio at that time.¹⁸ SPP additionally avers that it "needs direction" from the Commission on how to address transmission projects that have been approved but not yet put out for competitive solicitation.¹⁹ SPP ignores the widespread uncertainty that would follow from trying to revert back to a pre-Order No. 1000 transmission planning landscape.²⁰ Any moratorium on well-established solicitation processes in MISO and SPP would cause disruption to projects already engaged in the planning and development process, not only risking timely and cost-effective buildout instead of accelerating the transmission process (the alleged objective of the Complaint) but also harming consumers while enriching corporate shareholders.

In its desperation to call into question prior policy determinations, SPP argues that Order No. 1000 is not closely related to the Commission's authority to prevent discrimination that

¹⁷ See Prepared Statement of Paul Suskie at Docket No. AD16-18-000 at 2 (arguing that the value of competitive solicitation raise a question as to whether the relative costs and benefits justify the application of competitive solicitation). See also See Direct Testimony of Neeya Toleman on Behalf of Viridon, at 12. (filed in Docket No. EL26-58-000 on May 27, 2026) ("Toleman Affidavit").

¹⁸ See SPP Answer at 47.

¹⁹ SPP Answer at 5.

²⁰ Even MISO's Answer states that if the Commission pursues implementation of Complainants' requested competition moratorium, it should do so with bright-line rules so as to alleviate inevitable uncertainty. See Answer of the Midcontinent Independent System Operator, Inc. at Docket No. EL26-58-000, filed on May 27, 2026 at 32-33 ("MISO Answer").

impacts ratepayers.²¹ The D.C. Circuit rejected that argument in *South Carolina*.²² The D.C. Circuit's finding was reiterated on compliance. In *MISO Transmission Owners v. FERC*, the Seventh Circuit found lawful FERC's abrogation of the contractually agreed division of the transmission markets within RTOs.²³ That same Seventh Circuit court and a panel of the D.C. Circuit have also held that "self-protective" and "anti-competitive" agreements among like-minded parties are a "far cry" from *Mobile-Sierra* cases.²⁴ The D.C. Circuit court in *Emera Maine v. FERC*, further found that anti-competitive agreements among like-minded transmission owners meets the higher standard of violating the public interest, compelling the Commission's elimination of rights of first refusal.²⁵

SPP's desire to rehash now-settled arguments around the negative impacts of anti-competitive incumbent preferences and the soundness of Order No. 1000 falls flat and does not advance the Complaint in any measure, although it reveals SPP's allegiance.

B. SPP's Answer Reveals SPP's Indifference to Consumers.

SPP pays lip service to the notion that regulatory policy should be concerned with "ensuring reliability, timely interconnection, affordability, and overall just and reasonable and not unduly discriminatory or preferential electricity service."²⁶ But its slanted version of the region's experience with Order No. 1000 reveals that SPP has little or no concern about affordability, to the point that a reader can only infer that SPP is more interested in serving the profit objectives of

²¹ SPP Answer at 15.

²² *South Carolina* at 72. See also SPP Answer at 15 (SPP recognizes that the D.C. Circuit Court affirmed the Commission's authority to remove ROFRs from federal tariffs and agreements).

²³ *MISO Transmission Owners v. FERC*, 819 F.3d 329, 335 (7th Cir. 2016).

²⁴ *Okla. Gas & Elect. Co. v. FERC*, 827 F.3d 75, 76 (D.C. Cir. 2016).

²⁵ See *Emera Me. v. FERC*, 854 F.3d 9 (D.C. Cir. 2017).

²⁶ SPP Answer at 4.

its incumbent transmission owners than protecting (or even understanding and recognizing) consumer interests.²⁷ While the SPP Answer names a promise to provide affordable power options to serve all customers,²⁸ it does not address – as several protest and comments in this the proceeding do – how consumers are negatively impacted by the incumbent efforts to claim projects via ROFRs and exemptions from competitive processes. Unlike MISO, which acknowledges that “[c]ompetitive and non-competitive developers, states, and consumer advocates have relied on the Order No. 1000 framework for more than a decade”²⁹ even as it remains “neutral on the merits of transmission competition policy,”³⁰ SPP appears oblivious to the interests and views of consumers and indeed any stakeholders other than incumbent transmission owners.

The SPP Answer ignores known concerns with the Complaint among consumers, competitive developers, and public interest representatives. Such concerns were reflected in letters in opposition to the Complaint (many of which were posted to the docket in advance of the comment deadline) filed by four SPP region state legislatures³¹ (Iowa, Kansas, Missouri, Montana) and one corporate entity; ten protests filed in opposition to the Complaint; and nine comments filed in opposition to the Complaint. The filing entities represent the perspectives of consumer advocates, state commissions and other state elected officials, environmental organizations, corporate entities, and competitive transmission developers.³² The following are particularly

²⁷ *See, e.g., id.* at 19 (“As is made plain here, the Commission’s Order No. 1000 ROFR mandates and SPP’s subsequent compliance have resulted in considerable litigation, which has at times cast uncertainty on SPP’s regional planning process and the respective rights of incumbent and non-incumbent transmission developers.”)

²⁸ SPP Answer at 2.

²⁹ MISO Answer at 33.

³⁰ *Id.* at 8.

³¹ The Wisconsin state legislature additionally filed a letter in Docket No. EL26-58-000. Wisconsin is part of MISO.

³² Attachment A hereto provides a list of comments opposing the Complaint.

salient points from state Commissions that have previously been expressed and that SPP fails to address entirely.

- “The proposed remedies constitute an end run on Order No. 1000’s competitive solicitation regime because they would replace the competitive solicitation process with a regime wherein incumbent transmission owners can exercise monopoly power regarding construction and ownership of regional transmission facilities. It is not reasonable to adopt such overly broad remedies, particularly because those remedies create more problems than they would solve by eliminating consumer-protection provisions that are inherent to the competitive regime and omitting any comparable replacements.³³
- Even the Complainants’ suggested temporary five-year pause on the competitive solicitation tariff provision is likely to cause irreversible damage from the loss of those more efficient and effective options available in a more optimized transmission planning process found with competition. It would be likely to result in stranded costs forced upon consumers at a time when affordability is already a prominent concern. Moreover, a five year “pause” could decimate the competitive developers, resulting in long-term negative impacts on consumers and a return to monopoly power over the industry that would be difficult to unwind.³⁴
- The Complaint’s requested relief would treat customers in MISO and SPP differently from customers in PJM or other transmission systems, even though all regions are experiencing similar challenges. Transmission development and speed to power are national issues ill-suited for this docket.³⁵

Accordingly, the SPP Answer does not reflect the interests, concerns, and objectives of SPP stakeholders at large.

³³ Notice of Intervention and Comments of the Kansas Corporation Commission, Docket No. EL26-58-000 at 9-10.

³⁴ Comments of the Illinois Commerce Commission, Docket No. EL26-58-000 at 20.

³⁵ Initial Comments of the Public Service Commission of the State of Missouri, Docket No. EL26-58-000 at 9.

III. CONCLUSION

WHEREFORE, the Electricity Transmission Competition Coalition, the Industrial Energy Consumers of America, the Coalition of MISO Transmission Customers, the Midwest Large Energy Consumers, the Wisconsin Industrial Energy Group, the Association of Businesses Advocating for Tariff Equity, and the Maryland Office of People’s Counsel respectfully request that the Commission accept this answer in its decision-making and proceed to reject the Complaint with prejudice. To avoid protracted litigation and regulatory uncertainty, Protesters ask the Commission to definitively reject the Complaint as soon as possible. Respectfully submitted,

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Date: June 18, 2026

CERTIFICATE OF SERVICE

I hereby certify that I have, this day, caused the foregoing Protest to be served upon each person designated on the official service list compiled by the Secretary in these proceeding.

Dated on this 18th day of June, 2026.

/s/Rebecca Kimmel _____

*Counsel to the Electricity Transmission
Competition Coalition and the Industrial
Energy Consumers of America and the
Coalition of MISO Transmission Customers
and on behalf of Protesters*

ATTACHMENT A

Protest and Comments in Opposition to Complaint in Docket No. EL26-58-000

Prominent state legislators, state public service commissions, consumer groups, and environmental groups oppose the Complaint and insist on its rejection by the Commission. They agree that competitive transmission delivers cost discipline and is needed to ensure that dollars are spent on more efficient and cost-effective transmission solutions, and, in turn, that the current MISO and SPP policy upholding transmission competition is just and reasonable. Many of the commenters highlight the benefits of the competitive processes that have occurred to date, including lowering costs, shifting risk from ratepayers to developers, and identifying innovative solutions. The following is a sampling of comments demonstrating support for rejection of the Complaint.

43 Iowa State Legislators, including Iowa House Majority Leader, Iowa House Assistant Majority Leader, Iowa House Majority Whip, Iowa House Assistant Majority Leader, Iowa Senate Appropriations Chair, Iowa Speaker Pro Tempore, among other distinguished Iowa legislators

- “We, the undersigned legislators from the State of Iowa, respectfully ask that the Commission affirm that "competition is a core principle of the American economy" and respect Iowa's significant efforts to date promoting competition in transmission ownership by rejecting the complaint filed in Docket No. EL26-58.”¹
- “We urge you to reject the Complaint. Because "[c]ompetition in wholesale electricity markets and in the development of transmission facilities — including competition from independent, transmission-only companies — benefits electricity consumers," *DOJ Antitrust Letter* at 2-3, we want to see all qualified companies competing for transmission projects. Competition creates "incentives for rival transmission developers to minimize costs while investing in innovation and more efficient designs — incentives that are not present when construction rights are exclusive.”²
- “We want to see vigorous competition for any transmission built and funded by Iowa ratepayers to serve any load or reliability need, be it data centers or otherwise. To do otherwise would raise transmission rates – unnecessarily when the project could be

¹ Comments of Iowa Legislator Letter at 1.

² Comments of Iowa Legislator Letter at 2.

competed for – and be inconsistent with President Trump’s recent *Ratepayer Protection Pledge*.”³

- “In sum, Iowans have spoken- they want competition... Iowa’s legislative bodies have rejected anti-competitive legislation...”⁴

Kansas House Speaker Daniel Hawkins and House Energy Committee Chairman Leo Delperdang

- “...the Kansas legislature has considered, and rejected numerous times, and most recently in April 2026, the notion of forbidding competition for electric transmission ownership. At a time of rapidly growing electricity bills for Kansas – in fact residential rates in Kansas have risen 10.1 percent in Kansas since 2011, competition will help lower electricity costs by allowing non-incumbent transmission owners to offer competitive pressures to lower ratepayer costs. During a time of rising electric rates and a time that the President has declared a national energy emergency, it is hardly the time to promote monopolistic policies that will prevent competition.”⁵
- “Of course, we were disappointed to see Kansas utilities, Evergy and International Transmission Company, that actively participated before the Kansas Legislature run to Washington DC to do a tone-deaf end-run since we did not pass monopolistic bills or policies in the last or previous sessions of the Kansas legislature.”⁶
- “Kansas is a state that supports freedom and competition -the notion of creating perpetual monopolies in state or federal law is very un-Kansas and the views of our state’s legislative process rejecting such attempts should not be dismissed by the Commission. We urge the Commission to reject the flawed complaint in Docket No. EL26-58.”⁷

Group of Twelve Distinguished Wisconsin Legislators

- “We, the undersigned Wisconsin State Legislators, write to urge the Federal Energy Regulatory Commission (FERC) to reject any petitions, complaints, or interpretations of Midcontinent Independent System Operator, Inc. (MISO) tariffs that would effectively grant incumbent transmission facility owners preferential rights to construct, own, or maintain new regional transmission facilities in Wisconsin.”⁸
- “For five years, certain incumbent utilities and allied entities have repeatedly sought to enact state-level transmission Right of First Refusal (ROFR) legislation that would shield them from competition on high-voltage transmission projects. These efforts began in the 2021 legislative session with Senate Bill 838 and Assembly Bill 892. The push continued

³ Comments of Iowa Legislator Letter at 3.

⁴ Comments of Iowa Legislator Letter at 3.

⁵ Comments of Kansas State House Representatives at 1, 2.

⁶ Comments of Kansas State House Representatives at 2.

⁷ Comments of Kansas State House Representatives at 3.

⁸ Comments of Wisconsin Legislators at 1.

in every subsequent session: Senate Bill 481 (paired with Assembly Bill 470) in 2023, and Senate Bill 28 and Assembly Bill 25 and Assembly Bill 174 in 2025. Fortunately for ratepayers, none of the ROFR bills advanced to the governor's desk for signature."⁹

- “Utilities are now appealing to FERC using the “speed to market” justification – a variant of the argument that would-be-monopolists if only freed from having to compete can do it better – to secure a ROFR they could not obtain through legislative means. This includes arguments for exclusive rights on projects tied to their service areas, framed through the cost-sharing and claims of consumer "savings" that are contradicted by independent evidence.”¹⁰
- “We respectfully urge FERC to: Keep provisions of Order 1000 intact as a direct mechanism to address concerns of customers affordability... Competition works.”¹¹

Missouri State Representative Keathley

- “In summary, our state legislature has no interest in you enacting an anti-competition mandate to the detriment of our citizens and electric affordability. As a legislator, that is because my constituents continue to express their concerns with electric affordability. They want to see competition continue in the future, because competition is the best way to ensure these large projects are built (and recovered from them) at the lowest cost possible.”¹²
- “My hope is that FERC recognizes the importance of keeping electricity costs low for our citizens by rejecting the complaint in Docket No. EL26-58.”¹³

Missouri State Senator McCreery

- “In such a dismal rate environment to keep costs as low as possible for consumers (and the state budget), you need to inject more competition, not less competition, into the process for building transmission.”¹⁴
- “I respectfully ask you to reject the Complaint filed in Docket No. EL26-58.”¹⁵

⁹ Comments of Wisconsin Legislators at 1.

¹⁰ Comments of Wisconsin Legislators at 3.

¹¹ Comments of Wisconsin Legislators at 3

¹² Comments of Missouri Representative Keathley at 2.

¹³ Comments of Missouri Representative Keathley at 3.

¹⁴ Comments of Missouri Senator McCreery at 3.

¹⁵ Comments of Missouri Senator McCreery at 1.

Montana State Senator Zolnikov, Chairman of Montana Senate Energy, Technology, and Federal Relations Committee

- “Montana’s prior ROFR law, enacted around 2017, applied to portions of the state within MISO and SPP. After several years, the Legislature concluded the policy did not appropriately balance utility interests and consumer benefits. In 2025, the Legislature repealed ROFR across approximately 46,000 square miles by overwhelming bipartisan margins – 99-1 in the House and 50-0 in the Senate – and Governor Greg Gianforte signed the legislation into law on May 7, 2025. The current request appears to advance a framework that could limit competitive opportunities for new transmission development across SPP and MISO, including in Montana. While reliability and timely infrastructure development are critical, limiting competition may not serve consumers as effectively as open, competitive processes.”¹⁶
- “I am concerned that a group of transmission utilities has asked the Commission to adopt policies that could reintroduce similar [state ROFR] outcomes within the Montana portions” of SPP and MISO. “I respectfully urge the Commission to reject the complaint in Docket No. EL26-58.”¹⁷
- “More broadly, Montana remains committed to open markets and fair competition. As the state evaluates future participation in regional planning organizations, it will be important that those frameworks align with these principles.”¹⁸

Montana State Senator Harvey, Member of Montana Senate Energy, Technology, and Federal Relations Committee and Member of the Pacific Northwest Economic Region (PNWER)

- “While the proposal is presented in the context of improving system planning and delivery timelines, it may also have the effect of concentrating development opportunities among incumbent providers. Montana’s recent policy direction reflects a preference for open participation by qualified developers as a means to achieve cost-effective and innovative outcomes. As regional planning continues to evolve, it will be important that policies strike an appropriate balance between efficiency, reliability, and competition.”¹⁹
- “I respectfully encourage the Commission to carefully evaluate the potential impacts on competition and regional participation, and to decline the requested approach in Docket No. EL26-58.”²⁰

¹⁶ Comments of Montana Senator Zolnikov at 1.

¹⁷ Comments of Montana Senator Zolnikov at 1.

¹⁸ Comments of Montana Senator Zolnikov at 2.

¹⁹ Comments of Montana Senator Harvey at 2.

²⁰ Comments of Montana Senator Harvey at 2.

Montana State Senator Usher, Majority Whip, in his capacity as member of the Montana Senate Energy, Technology, and Federal Relations Committee and a member of the Executive Committee of the National Conference of State Legislatures

- “While framed as a broader transmission policy proposal, it appears likely to provide incumbent utilities within the Southwest Power Pool (“SPP”) and Midcontinent Independent System Operator (“MISO”) with a preferential role in developing new transmission facilities. In practice, this could reduce opportunities for competitive participation, including in areas of Montana where the state has deliberately moved in a different direction.”²¹
- “At the same time, I recognize the importance of advancing transmission infrastructure efficiently to meet growing demand and evolving national priorities. These objectives are widely shared. However, in pursuing them, it is important to preserve the benefits that competitive market structures can provide.”²²
- “As Montana continues to consider its role in regional transmission planning efforts, the extent to which those frameworks support meaningful competition will remain an important factor.”²³
- “...I respectfully ask the Commission to give careful consideration to the potential impacts on competition and consumer value, and to decline the requested approach in Docket No. EL26-58.”²⁴

Advanced Power Alliance

- “The Advanced Power Alliance (“APA”) respectfully submits that the incumbent utilities’ Complaint rests on the false premise that the Commission must either accept transmission competition development delays or abandon competition. Not so. When done right, competition can help expedite the development of needed energy infrastructure while protecting consumers from delays and cost over-runs, thereby helping the Commission meet its responsibility to ensure an adequate and reliable supply of electricity at just and reasonable rates.”²⁵
- “At a time when affordability is at the forefront of our nation’s energy policy priorities, this Commission should ensure that competition provides relief for consumers, not undermine it for the benefit of incumbent monopolies.”²⁶

²¹ Comments of Montana Senator Usher at 1.

²² Comments of Montana Senator Usher at 2.

²³ Comments of Montana Senator Usher at 2.

²⁴ Comments of Montana Senator Usher at 2.

²⁵ APA Comments at 1 (emphasis added).

²⁶ APA Comments at 2.

- “Abandoning competition is also entirely unnecessary to ensure speed to power, the purposed aim of the Complaint. SPP and MISO already have pathways in their tariffs to forgo competitive solicitations needs to meet near-term load and reliability needs.”²⁷
- “The Commission should deny the Complaint. For more than a decade, transmission competition has played a critical role in the development of energy infrastructure by imposing cost and timing discipline on the development of new transmission facilities.”²⁸

Advanced Energy United

- “The Complaint should be rejected outright because it is legally defective, factually unsupported, plainly unnecessary, and proposes a solution that is not tailored to the problem it identifies.”²⁹
- “Indeed, in the face of historic load growth, competition is more important now than ever before, whether that competition applies to the wires that deliver power or the generating facilities that produce it. Competition demands that companies put their best, most affordable solution in order to win a solicitation or secure an offtake agreement. It spurs innovation, encouraging companies to develop new technologies, create new business models, and offer concessions that would not otherwise exist... At a time when Americans are strapped by their electric bills, and massive load growth is requiring billions of dollars of energy infrastructure, the imperative to maintain energy affordability means we simply cannot afford to leave that value on the table.”³⁰
- “Upending competition, especially on such shaky legal grounds, would invite uncertainty and litigation delays while also paradoxically eliminating the schedule discipline that the competitive process can impose on developers. And at the same time, it would increase costs for all ratepayers in MISO and SPP by eliminating competitive pressures on transmission rates.”³¹
- “The Complaint is a brazen and impermissible challenge to the foundational principles of Order No. 1000... The Commission cannot unwind long-standing policies adopted through formal notice-and-comment rulemaking procedures in a one-off adjudication. Indeed, any attempt to do would be subject to considerable litigation risk, which would freeze transmission development at precisely the wrong time.”³²
- “Either way, it is clear that the Complaint cherry-picked its methodology to inflate the appearance of delays.”³³

²⁷ APA Comments at 2.

²⁸ APA Comments at 19.

²⁹ Protest of AEU at 1,2.

³⁰ Protest of AEU at 2.

³¹ Protest of AEU at 3.

³² Protest of AEU at 4, 5.

³³ Protest of AEU at 8.

- “Competitive bids often include cost containment mechanisms such as cost caps, or agreements to reduce return on equity (ROE) for cost overruns. So far, every winning bid for projects in MISO’s Tranche 2.1 has included cost containment procedures. For instance, the bid selected for Reid EHV-IN/KY Border 345 kV Project (RIKY) and the bid selected for the Bell-Columbia-Sugar Creek-IL/WI Border 765kV line (BECI) each committed to cap the developer’s ROE and recoverable revenue, and forego a return on construction work in progress (CWIP). Competitive projects are the only ones with these types of cost containment terms... For instance, the RIKY and BECI lines committed to reduced ROE for delays. When speed to power is paramount, these types of schedule guarantees are critical tools to ensure that the goal is met. Again, only competitive projects offer these types of guarantees.”³⁴
- “Policymakers at both the state and federal levels, and across the political spectrum, agree that the nation needs to prioritize both speed to power and affordability. Competition is the only way to achieve these goals at the same time.”³⁵
- “The only certain result of granting the Complaint would be a transfer of wealth to monopoly utilities and their shareholders at the expense of everyday consumers.”³⁶

Clean Energy Advocates (Natural Resources Defense Council, Sustainable FERC Project, Clean Grid Alliance, Clean Wisconsin, Sierra Club, and Fresh Energy)

- “However, the assertion that eliminating competition will expedite transmission in-service dates is unsupported by the evidence and contrary to the record upon which Order No. 1000 was built. Moreover, eliminating competition threatens to escalate transmission costs at a time when utility bills are already rising unsustainably, and reverts to a status quo that the Commission has already found to be unjust and unreasonable. CEAs thus request that the Commission reject the complaint in its entirety.”³⁷
- “The complaint needs to be named for what it is: an opportunistic attempt to deliver billions of dollars in transmission projects into the hands of the Complainants, relieving them of the need to transparently compete for those projects. This complaint is not about speed to power, it is fundamentally about the transfer of risk-free revenue opportunities to the largest utilities throughout the Midwest and Great Plains. The scope and gravity of what Complainants seek here is unprecedented...”³⁸

³⁴ Protest of AEU at 11-12.

³⁵ Protest of AEU at 18.

³⁶ Protest of AEU at 3.

³⁷ Protest of CEA at 2.

³⁸ Protest of CEA at 2-3.

Electric Power Supply Association and Solar Energy Industries Association

- “In reality, **this complaint is a thinly veiled attempt to restore the monopolistic federal Right of First Refusal (“ROFR”)** that Complainants state would be in the public interest due to amorphous advantages they claim are held by vertically integrated transmission providers. As the facts underlying this proceeding show, this is far from the case.”³⁹
- “The solicitation period is not an incumbrance that adds unnecessary delays, but a critical period of price discovery that allows for the gestation of efficient and cost effective solutions, further protecting consumers.”⁴⁰
- “EPSA and SEIA respectfully request that the Commission reject this Complaint, as granting it would deprive customers of the innovative and cost-effective solutions that competitive transmission can provide to customers. Further, the request to interfere with, or “pause,” competitive mechanisms runs afoul of longstanding Commission precedent.”⁴¹

Southern Renewable Energy Association

- “The GAC complaint points the finger at “bureaucratic red tape” from FERC Order 1000 as the source of transmission delays; however, such an assertion does not have any supporting evidence in MISO South... Independent observers have noticed that MISO South’s poor connections with neighboring systems have created an economic moat to protect the Entergy system from outside competition. In fact, the history of Entergy’s entrance into MISO is based heavily on the Department of Justice investigating excessive anti-competitive behavior with regards to Entergy’s transmission system. Entergy has a history of constraining transmission development, in favor of self-build natural gas power plant resources. MISO has yet to conduct truly regional transmission planning exercises in its full southern region since Entergy fully joined the system in 2013, and there are still no plans to do so. While delays are harmful to well-planned, regional transmission projects, the Complainants incorrectly attribute those delays to competitive solicitation processes.”⁴²
- “SREA requests that FERC deny GAC’s complaint and the requested relief set forth therein because Complainants have not proven competitive solicitation processes are unjust and unreasonable, have not proven that the requested relief would guarantee faster transmission development, and have not proven that eliminating competition is the best or only solution to transmission delays.”⁴³

³⁹ EPSA/SEIA Comments at 2.

⁴⁰ EPSA/SEIA Comments at 6.

⁴¹ EPSA/SEIA Comments at 2.

⁴² SREA Comments at 4-5.

⁴³ SREA Comments at 2.

- “SREA encourages FERC to consider the potential ramifications of supporting a complaint that raises antitrust concerns.”⁴⁴

Joint Customers: Electricity Consumers Research Council (ELCON) and the Electricity Customer Alliance (ECA)

- “Joint Customers represent many of the new and emerging AI and manufacturing and industrial large loads seeking expedient interconnection and the customers who will ultimately foot the bill for transmission expansion.”⁴⁵
- “...the Commission should not accept the Complainant’s premise that this Complaint is about winning the AI and manufacturing race, especially given the fact that no actual customers in that race corroborate the assertions in the Complaint.”⁴⁶
- “Tellingly, while customers are the purported beneficiaries of this Complaint, the Complainants provide no specific evidence or testimony of any actual customers to corroborate the delays in interconnection and increased costs they assert are directly attributable to time spent during the competitive solicitation process.”⁴⁷
- “The Complainant’s argument relies on a fundamental paradox: they correctly adopt the customer position that “time is money” to meet historic load growth, but they mischaracterize the time devoted to evaluating the most efficient and cost-effective solutions before regional transmission costs are allocated to customers as a “bottleneck” that harms customers. To the contrary, the time dedicated to competitive solicitations represents a critical upfront regulatory check that insulates captive ratepayers from long-term financial exploitation. **Taking the necessary administrative window to vet competing proposals ensures that consumers are not locked into paying decades of inflated, non-competitive utility rates, meaning the process itself acts as an indispensable cost-protection shield rather than an artificial delay.**”⁴⁸
- “Forcing consumers to underwrite uncompetitive projects under the guise of expediency fails any basic standard of ratepayer protection and fundamentally undermines the Commission’s statutory obligation to ensure just and reasonable rates... The competitive solicitation process is a foundational mechanism that provides structural transparency and robust accountability for billions of dollars in ratepayer-funded capital deployment.”⁴⁹
- “Suspending the competitive process would freeze out infrastructure developers and sources of capital to support transmission development, including large customers and the alternative investment capital they can bring to help fulfill their commitments under the

⁴⁴ SREA Comments at 23.

⁴⁵ Protest of Joint Customers, ELCON/ECA at 2.

⁴⁶ Protest of Joint Customers, ELCON/ECA at 3.

⁴⁷ Protest of Joint Customers, ELCON/ECA at 2.

⁴⁸ Protest of Joint Customers, ELCON/ECA at 5-6.

⁴⁹ Protest of Joint Customers, ELCON/ECA at 13-14.

Ratepayer Protection Pledge... Shifting that [cost overrun and strained utility financial metrics] risk, as the Complaint would inevitably do, runs directly counter to the goals of the Ratepayer Protection Pledge to shield ratepayers from risks associated with expanding electricity supplies and the grid to support growth in AI-driven data centers.”⁵⁰

- “Joint Customers respectfully submit this Protest and urge the Commission to reject the Complainant’s request to create further exemptions or suspend the Order 1000 competitive transmission planning process.”⁵¹

SPP Load Responsible Entities (Golden Spread Electric Corporation, Municipal Energy Agency of Nebraska, Missouri Joint Municipal Electric Utility Commission, Oklahoma Municipal Power Authority, and East Texas Electric Cooperative)

- “The SPP LREs respectfully submit that the Commission should reject the expedited relief sought by the Coalition in its Complaint because it both fails the FPA Section 206 standard to prove that the existing SPP and MISO tariffs are unjust and unreasonable, and fails to present a solution that would be just and reasonable in its place.”⁵²
- “As competition has always been viewed as consumer protection tool, elimination and de facto reinstatement of incumbent federal ROFRs go straight to the SPP LRE’s bottom line: affordability and reliability.”⁵³
- “The SPP LREs also believe, consistent with Order No. 1000’s rationale, that the competitive solicitation processes create a more transparent record regarding project assumptions, overall project management, financial capability, cost estimates, risk factors, and evaluation criteria. That information benefits not only the immediate project-selection process but also improves future regional planning efforts.. Thus, the additional time associated with these processes is therefore not merely administrative delay, but part of a broader effort to improve long-term transmission planning quality and cost accountability.”⁵⁴

Kimberly-Clark Corporation

- “As an energy-intensive manufacturer, Kimberly-Clark strongly supports the injection of competitive forces into the energy regulatory regime to the maximum extent possible.”⁵⁵
- “The Complaint would harm electricity affordability and harm manufacturers in the near-term and the long-term. Suspending competitive forces in the development of large, multi-million-dollar projects will deprive consumers of necessary protections, efficiencies, and

⁵⁰ Protest of Joint Customers, ELCON/ECA at 14, 15.

⁵¹ Protest of Joint Customers, ELCON/ECA at 18.

⁵² Joint Comments of Load Responsible Entities at 18.

⁵³ Joint Comments of Load Responsible Entities at 6.

⁵⁴ Joint Comments of Load Responsible Entities at 12.

⁵⁵ KC Comments at 1.

cost containment commitments that can only be attained through competitive solicitation and bidding processes.”⁵⁶

- “We appreciate your consideration of our comments and perspective and respectfully ask that the Federal Energy Regulatory Commission reject the complaint with prejudice and continue its efforts to ensure energy affordability for all customers.”⁵⁷

National Association of State Utility Consumer Advocates (NASUCA)

- “Contrary to the contentions underlying the Complaint, NASUCA submits that customers receive substantial benefits from competitive bidding processes for transmission development.”⁵⁸
- “[T]his Complaint constitutes a wholesale attack on Order No. 1000. NASUCA is concerned that, if granted, this Complaint could serve as the basis for similar requests in other regions, which would functionally undermine Order No. 1000 in more jurisdictions that are at issue in the current case.”⁵⁹
- “The instant Complaint proposes to eliminate these benefits, which would have significant long-term adverse rate impacts for consumers NASUCA members represent. To the extent there are challenges operationalizing Order No. 1000 competitive procurement process, NASUCA submits that this Complaint is not the appropriate forum for resolving those challenges. Rather, FERC would be better served examining why competition is difficult in the current regulatory structure and improving processes so we achieve the desired competitive outcome.”⁶⁰

Joint Consumer Advocates(Citizens Utility Board of Wisconsin, Citizens Utility Board of Illinois, the Colorado Office of the Utility Consumer Advocate, Office of the Illinois Attorney General, Citizens Action Coalition of Indiana, the Alliance for Affordable Energy, Citizens Utility Board of Michigan, the Maryland Office of People’s Counsel, and Delaware Division of the Public Advocate)

- “[T]he Complaint seeks extraordinary relief, asking FERC to (i) set aside a Final Rule that remedied a well-documented violation of the consumer protections enshrined in the Federal Power Act, and (ii) exalt the monopoly interests of incumbent transmission providers over the interests of customers that benefit from competitive solicitations. But the Complaint is short on evidentiary support for that extraordinary claim. Given the affordability crisis that is plaguing many customers, FERC should determine that it is particularly important to adhere to—not set aside—regulations that protect consumers from excessive rates for essential utility service.”⁶¹

⁵⁶ KC Comments at 1.

⁵⁷ KC Comments at 1.

⁵⁸ NASUCA Comments at 3.

⁵⁹ NASUCA Comments at 3

⁶⁰ NASUCA Comments at 4.

⁶¹ Protest of JCA at 2.

- “As compared to projects that are built by incumbents and subject to their monopoly power, the Joint Consumer Advocates’ constituents in MISO and SPP have benefitted directly from reduced costs that result from competitive bidding, cost containment provisions, and schedule discipline and accountability.”⁶²
- Any entity that seeks to halt competition—either temporarily or on an indefinite basis—should be subjected to a high burden in order to ensure that ratepayers are not deprived of the well-thought and effective protections that are built into Order No. 1000’s competitive selection process. A desire to advance the parochial interests of incumbent transmission owners must not serve as a basis for depriving customers of these benefits. Likewise, vague claims about energy emergencies should not be sufficient to exalt the monopoly interests of transmission providers over the interests of customers. But those are precisely the arguments underlying the Complaint.”⁶³
- “While the Complainants assert, contrary to evidence and common sense, that competitive bidding actually increases costs, their arguments are not supported by those who ultimately pay the bills. Competition forces transmission companies to sharpen their pencils, find ways to decrease costs, and supplement consumer protections in order to win bids.”⁶⁴
- “Competitive bidding doesn’t just put downward pressure on project cost estimates. It also fosters competition on return on equity and capital structure, both of which have a large impact on a project’s ultimate cost to consumers.”⁶⁵
- “While the Complainants cherry-pick a handful of projects they claim support their view, scrutiny of those examples reveals that the bidding process produces consumer benefits.”⁶⁶
- “Given Entergy’s longstanding history of violating antitrust laws, it is concerning that Entergy has signed onto this complaint to FERC requesting the first right of refusal for upcoming transmission projects.”⁶⁷
- “The Complaint asks FERC to either: (1) exempt from solicitation any transmission project that is needed to interconnect new generation or load, if delaying the project would delay service to generation or load; or (2) temporarily pause the competitive solicitation processes. FERC should deny the requested relief.”⁶⁸

⁶² Protest of JCA at 7-8.

⁶³ Protest of JCA at 8.

⁶⁴ Protest of JCA at 9.

⁶⁵ Protest of JCA at 9.

⁶⁶ Protest of JCA at 9.

⁶⁷ Protest of JCA at 12.

⁶⁸ Protest of JCA at 7.

Office of the Ohio Consumers' Counsel

- “The Complaint is premised on speculation and fears that FERC’s competitive solicitation paradigm for new, regional backbone transmission development will not be able to timely address the transmission needs driven by recent forecasts of significant growth in large Artificial Intelligence (“AI”) data centers in the Midwest. But the Complaint fails to provide support for such a dramatic change in long-held competitive transmission solicitation policies and rules. It rests largely on speculation that AI data center load growth will outpace the construction of new transmission needed to serve these projected new loads, and slow the nation’s efforts to compete with global AI developments. But, **Complainants provide no evidence to demonstrate that the projected new loads will in fact materialize**, that incumbent transmission providers can build any needed new transmission faster than competitive sources, or that the incumbent transmission providers can build any needed new transmission at a price that is cost-effective for consumers.”⁶⁹
- “The Federal Energy Regulatory Commission (“FERC”) should reject and dismiss the Complaint filed in this docket[.] The Complainants’ desired result would represent a giant step back for federal energy policy.”⁷⁰

Illinois Commerce Commission

- “The ICC disagrees with Complainants’ assertion that the competitive solicitation process is unjust or unreasonable. To the contrary, the Commission directed process is required to ensure optimal transmission planning and protection against monopoly inefficiencies. This competition should be maintained, particularly where costs of projects are shared across the region. Accordingly, the Commission should dismiss the Complaint, or at a minimum, set the matter for hearing.”⁷¹
- “Complainants make unsupported allegations against the Commission-approved competitive solicitation process.”⁷²
- “The Commission should dismiss the Complaint to protect consumers from the irreversible harm that could result from the proposed removal of a competitive solicitation process that remains so critical to better ensure proper and efficient transmission planning and development as well as to ensure reliable electric service at the most affordable cost throughout the regions.”⁷³

Kansas Chamber

- “No matter the industry, where competitive enterprise can exist, **government intervention should enable and encourage, not prevent competition.** Kansas faces some of the

⁶⁹ Protest of OCC at 2.

⁷⁰ Protest of OCC at 1.

⁷¹ ICC Comments at 2-3.

⁷² ICC Comments at 3.

⁷³ ICC Comments at 20.

highest energy costs in our region and eliminating competition for the competitive bidding of transmission lines will only result in higher costs for ratepayers.”⁷⁴

- “In recent years Right of First Refusal (ROFR) legislation was brought to the Kansas Legislature. However, this legislation failed because Kansas legislators believe competition is a positive - and critical - force to increase quality and reduce the cost to ratepayers. We see this across the country. In closing, I ask that the commission reject this request as a last-ditch effort to pursue self-interested policies which adversely impact customers in our state.”⁷⁵

Americans for Prosperity (AFP) and its State Directors of Indiana, Iowa, Kansas, Missouri, Minnesota, South Carolina and Wisconsin

- “AFP recognizes the need for an efficient process that can get transmission lines constructed so that power is available for our nation’s growing electricity needs. **But that process should not disregard this Commission’s duty to maintain competition.** Competitively bid projects can work in conjunction with transmission interconnections of new generation and load so that loads can be served while maintaining the benefits that competition produces for consumers.”⁷⁶
- “AFP believes the Commission should, as appropriate and applicable, decline to exempt from solicitation any transmission project that is needed to interconnect new generation or load if delaying the project would delay service to generation or load, and further decline to temporarily pause the solicitation process.”⁷⁷
- “AFP believes the Commission should decline to find that the relevant MISO and SPP Tariffs as set forth in the Complaint are “unjust and unreasonable.”⁷⁸

The Industrial Energy Consumers of America (“IECA”), the Electricity Transmission Competition Coalition (“ETCC”), the Coalition of MISO Transmission Customers (“CMTC”), the Midwest Large Energy Consumers, the Wisconsin Industrial Energy Group, the Association of Businesses Advocating for Tariff Equity (“ABATE”), and the Maryland Office of People’s Counsel

- “Contrary to the principles of free enterprise and competition on which this Nation was founded, Complainants ask this Commission to gift them an unearned and unnecessary monopoly over transmission development. Advancing unsubstantiated and self-interested claims that only they can meet the moment, Complainants present the Commission with a false choice between the cost discipline provided by competition and expeditious transmission development. **But we can have both affordability and speed-to-power, with both incumbent and non-incumbent developers at the table.** FERC must dismiss

⁷⁴ Kansas Chamber Letter at 1.

⁷⁵ Kansas Chamber Letter at 1.

⁷⁶ AFP Comments at 5.

⁷⁷ AFP Comments at 6.

⁷⁸ AFP Comments at 6.

the Complaint with prejudice because it asks the Commission to remove a vital consumer protection – competition – during the midst of an electricity affordability crisis.”⁷⁹

LS Power Grid Midcontinent LLC

- “**Under no circumstance is the suspension or removal of competition for regionally planned and cost allocated transmission a just and reasonable replacement rate.** The Commission found, and courts upheld, that incumbent self-granted preferences previously enjoyed in MISO and SPP by reason of a cartel-like contracts are not in the public interest and prevent FERC from determining just and reasonable rates, and are thus illegal under the Federal Power Act. Further, the Commission has no statutory authority to grant an effective federal franchise.”⁸⁰
- “LS Power does not see the evidence that MISO and SPP have abused their discretion in actual practice and FERC should reject the Complaint in its entirety.”⁸¹

Viridon Services LLC

- “Non-incumbent transmission developers like Viridon have done the opposite of the Complainants. Rather than seek a handout from the Commission, when permitted to compete, they have provided consumer-benefiting proposals that independent entities like MISO and SPP have judged superior. Viridon has been selected as the more efficient or cost-effective developer in 36% of the solicitations it has participated in. This is precisely what Order 1000 was designed to accomplish. **The Federal Power Act has at its core a consumer protection mandate, not a corporate protection mandate.**”⁸²
- “The Commission must reject the Complaint with prejudice, reinforcing that its job is to protect electric transmission ratepayers and that competition for needed transmission does just that.”⁸³

National Grid plc, on behalf of National Grid Ventures

- “[T]he Complaint fundamentally misdiagnoses the problem and relies on a false premise. It characterizes the time required to administer competitive processes as wasted delay and incorrectly attributes project timing challenges to competition itself, rather than to the structural, largely non-jurisdictional constraints that govern transmission development—most notably siting and permitting requirements; environmental review; coordination among planning, interconnection, and regulatory processes; and supply chain limitations. These factors affect all transmission development equally. Eliminating competition will not remove them.”⁸⁴

⁷⁹ Protest of IECA *et al* at 2-3.

⁸⁰ Protest of LS Power at 6.

⁸¹ Protest of LS Power at 53.

⁸² Protest of Viridon at 4.

⁸³ Protest of Viridon at 4.

⁸⁴ Protest of National Grid at 3.

- “Complainants fail to satisfy their threshold burden under Section 206 of the FPA because they do not demonstrate that the competitive transmission processes in MISO and SPP are unjust and unreasonable.”⁸⁵
- “While National Grid agrees that accelerating transmission expansion is critical, particularly in light of growing demand from large loads such as data centers, the Complaint misattributes the causes of delay.”⁸⁶
- “National Grid respectfully requests that the Commission deny the Complaint.”⁸⁷

Invenergy Transmission LLC

- “The record, which Invenergy supplements here with expert testimony from two individuals with experience developing both competitive and non-competitive transmission projects, demonstrates that competitive transmission developers undertake significant project design, routing, siting, community engagement, permitting, site control, and other critical path activities during the competitive solicitation process that expedite project development, rather than delay it. The data confirms this conclusion: competitively solicited projects reach critical milestones, including project completion, at the same pace as, and often faster, than their non-competitive counterparts. Complainants’ failure to establish even a prima facie case that developers do not perform significant work during the competitive solicitation process is fatal to their claim.”⁸⁸
- “[G]ranting the Complaint would be unsound policy. The Commission has long recognized that competition is the most effective means of imposing price discipline and fostering innovation in the development of transmission infrastructure. Abandoning that principle now—at a time of rising electricity costs and unprecedented demand driven by data center and AI-related load growth—would increase the price of regionally cost-allocated transmission projects and undermine the very objectives that the Commission and the Administration have identified as national priorities.”⁸⁹
- “The Commission should dismiss the Complaint as an impermissible attempt to circumvent the notice-and-comment rulemaking process, a collateral attack on Order No. 1000, and otherwise hold that the Complainants have failed to meet their burden under Section 206 of the Federal Power Act (“FPA”).”⁹⁰

⁸⁵ Protest of National Grid at 22.

⁸⁶ Protest of National Grid at 23.

⁸⁷ Protest of National Grid at 33.

⁸⁸ Protest of Invenergy at 3-4.

⁸⁹ Protest of Invenergy at 4.

⁹⁰ Protest of Invenergy at 1.