UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Midcontinent Independent System Operator, Inc.	))	ER26-1538-000

PROTEST OF
THE ELECTRICITY TRANSMISSION COMPETITION COALITION AND THE INDUSTRIAL ENERGY CONSUMERS OF AMERICA

On February 27, 2026, the Midcontinent Independent System Operator, Inc. ("MISO") submitted a filing ("MISO Filing") seeking Federal Energy Regulatory Commission ("FERC" or "Commission") approval of certain amendments to MISO's Open Access Transmission, Energy and Operating Reserve Markets Tariff ("Tariff").[1] MISO's proposed amendments are an effort to revise – after-the-fact – the MISO Tariff to excuse MISO's violation of the existing Tariff requirement that MISO select the developer for the greenfield, tie-line MISO Multi-Value Projects ("MVP Projects")[2] at issue through the Tariff's Order No. 1000[3] compliant Competitive Transmission Process.[4]

On March 30, 2026, the Electricity Transmission Competition Coalition ("ETCC") and the Industrial Energy Consumers of America ("IECA") filed a protest and motion to

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[1] Proposed Revisions to MISO Tariff to Implement Agreements with External Transmission Owners, Docket No. ER26-1538-000 (Feb. 27, 2026) ("MISO Filing"). MISO requests an effective date for its proposed changes of May 28, 2026.

[2] While MISO refers to the greenfield projects at issue as the MTEP "PJM Projects" (MISO Filing at 3), that description is a self-serving designation designed to reflect MISO's desired outcome. This Protest will refer to the projects the way the Tariff does, as MVP Projects.

[3] *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, 136 FERC ¶ 66,051 (2011), *order on reh'g*, Order No. 1000-A, 139 FERC ¶ 61,132 (2012), *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).

[4] Tariff, Attachment FF, VIII, Competitive Transmission Process.

intervene,[5] ("Initial Protest") requesting that FERC reject the MISO Filing with prejudice and mandate MISO's adherence to its in-force Tariff. The in-force Tariff required that MISO's MVP Projects be subject to the Tariff's Competitive Transmission Process except for narrow exclusions that are not applicable to the MVPs at issue.[6]

On May 22, 2026, FERC issued a Deficiency Letter ("Deficiency Letter") advising MISO that its filing was deficient and in need of additional information in order to adequately process the filing.[7] Subsequently, MISO filed its response to the Deficiency Letter on June 22, 2026 ("Deficiency Response"), therein providing responses to the four questions in the Deficiency Letter and renewing MISO's request that the proposed Tariff revisions be made effective as of May 28, 2026.[8]

ETCC and IECA, pursuant to Rules 211 and 214 of the Commission's Rules of Practice and Procedures,[9] protest the Deficiency Response and renew the points raised in our underlying protest in this proceeding. MISO's Deficiency Response does not alleviate the concerns raised in the Deficiency Letter or in the initial protests and comments to the MISO Filing,[10] nor does MISO now demonstrate that its proposed Tariff revisions are just

[5] IECA and ETCC herein incorporate by reference the entirety of their protest filed on March 30, 2026 in this proceeding (hereinafter "ETCC/IECA Protest").

[6] Attachment FF, VIII.A.

[7] Letter Informing MISO That the Filing in Docket No. ER26-1538-000 Is Deficient, FERC Office of Energy Market Regulation (issued May 22, 2026) (hereinafter "Deficiency Letter").

[8] Deficiency Response at 5.

[9] 18 C.F.R. §§ 385.211, 385.214.

[10] ETCC and IECA note that, on April 14, 2026, WPPI Energy filed a protest in this proceeding raising many of the same concerns as ETCC/IECA. Like ETCC, WPPI Energy emphasized that the MISO Filing departs from the fundamental FERC principles of "interregional coordination, competitive discipline, and transparency." Motion for Leave to Answer and Answer of WPPI Energy," at 2, Docket No. ER26-1538-000 (filed Apr. 14, 2026) (hereinafter "WPPI Energy Protest"). Comments of Advanced Energy United filed comments emphasizing its concerns with MISO's failure to initiate the Competitive Developer Selection Process. *See* Comments of

and reasonable. ETCC and IECA reiterate that MISO must follow its Tariff, rather than institute a policy choice to circumvent transmission competition contrary to its Tariff and Order No. 1000, and then seek approval from FERC to retroactively codify that policy choice.[11] As discussed herein, MISO's Deficiency Response:

- Attempts to muddy the waters of where the MVP Projects will be/are located.
- Does not adequately justify piecemeal, non-transparent planning that departs from MISO's existing regional planning requirements within its Tariff.
- Lends no support to show that the MISO Filing is just, reasonable, and not unduly discriminatory or preferential.
- Fails to address the untimeliness of the MISO Filing given that MISO waited nearly a year and half after MISO Board action on Tranche 2.1 to seek to exclude approximately $1.95 billion of predominantly greenfield, Tranche 2.1 projects in Illinois and Indiana from competition, including an otherwise-competitive $600 million greenfield transmission project in Northern Illinois, with an in-service date of June 2034.[12]

The MISO Filing and the Deficiency Response directly harm IECA and the diverse members of the ETCC: 1) by depriving MISO consumers of the price-lowering benefits and cost containment features of transmission competition at a time when electricity affordability is at a breaking point; and 2) by depriving the certified MISO Qualified Transmission Developer members of the Competition Coalition of an opportunity to compete to develop new transmission.

The Deficiency Response and the underlying MISO Filing should be rejected with prejudice because the proposed direct contractual assignment of greenfield MVP Projects is violative of MISO's existing Tariff, the Joint MISO/PJM Interconnection, L.L.C.

Advanced Energy United, at 4, Docket No. ER26-1538-000 (filed Mar. 30, 2026) (hereinafter "AEU Comments").

[11] *See* ETCC/IECA Protest at 1.

[12] *See* ETCC/IECA Protest at 3.

("PJM") Operating Agreement ("JOA"), PJM's Operating Agreement definition of Supplemental Project, and Order No. 1000.

I. PROTEST

A. MISO's Response to Question 4 of the Deficiency Letter Does Not Cure the Defects of Its Initial Filing.

The Deficiency Letter requests additional information from MISO relating to 1) cost recovery, 2) adequate project tailoring to benefit the MISO region rather than transmission owners outside the MISO footprint, 3) Non-MISO Facilities as used by MISO, and 4) whether the MISO-Requested Facilities include tie-lines between the MISO and PJM transmission systems. IECA and ETCC focus this protest on MISO's response to the fourth question ("Question 4").

In the Deficiency Letter, FERC highlighted the following: "In its transmittal, MISO states that the MTEP PJM Facilities include certain tie-line transmission facilities. However, MISO asserts in its May 1, 2026 answer that the MISO Requested Facilities are located wholly in PJM."[13] In Question 4, FERC specifically asked MISO to clarify whether any of those facilities include tie-lines between MISO's and PJM's transmission systems.[14]

MISO's response to Question 4 stated that "MISO-Requested Facilities" include multiple tie-lines linking MISO and PJM transmission systems:

> As MISO stated in its May 1, 2026 Answer, "The core purpose of Tranche 2.1 is to create a 765 kilovolt ("kV") "backbone" transmission network across the MISO Midwest Subregion that will tie into PJM's existing 765 kV facilities." Tranche 2.1 includes multiple projects located in the MISO Region, some of which connect to the non MISO facilities. As further explained in the Answer, "While the MISO-Requested Facilities listed in

[13] Deficiency Letter at 3-4 (Question 4).

[14] *Id*. at 4.

> the CRAF Agreements are included in such larger [Tranche 2.1] projects, all of them are located wholly in PJM."[15]

Instead of clarifying the project location concerns held by the Commission and ETCC/IECA, MISO's response only seeks to obfuscate the fact that the MVP Projects at issue indeed tie to existing MISO facilities. The MISO Filing categorized the projects as outside of the MISO footprint and in PJM's territory.[16] But in its Deficiency Response, MISO contradicts itself, stating that multiple projects *are* located in the MISO region. MISO's response fails to answer the Commission's deficiency and the Commission should assume that the answer is as IECA, ETCC, and other protestors asserted: the lines are in MISO or tie to MISO.

MISO still has not satisfied the locational concerns related to project eligibility and regional transmission planning requirements explained in the Initial Protest (outlined below), nor has it adequately or otherwise justified its proposed circumvention of the competitive process for the MVP Projects. At a time of increased pressure on energy affordability on this Commission from lawmakers and the American public, use of the competitive transmission process must be maximized and prioritized.[17]

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[15] Deficiency Response at 4-5.

[16] MISO Filing at 1.

[17] *See* Letters from Legislators in Iowa, Kansas, Missouri, Wisconsin, and Montana filed in FERC Docket No. EL26-58; *see also* "House lawmakers press FERC on affordability, reliability, and gas," Utility Dive, February 4, 2026, *available at* https://www.utilitydive.com/news/house-hearing-ferc-affordability-reliability-gas/811328/ (last accessed July 7, 2026); *see also* "Need for Speed: An Analysis of Speed to Market and Cost Results of Competitive Transmission," R. Street Institute, May 26, 2026, *available at* https://www.rstreet.org/commentary/need-for-speed-an-analysis-of-speed-to-market-and-cost-results-of-competitive-transmission/ (last accessed July 7, 2026) ("Given its focus on just and reasonable wholesale rates, much of the [Commission's] basis for introducing competition into transmission development was cost related."); *see also* "FERC Launches Aggressive Targeted Action to Speed Large Load Integration," FERC News Releases, June 18, 2026, *available at* https://www.ferc.gov/news-events/news/ferc-launches-aggressive-targeted-action-speed-large-load-integration (last accessed July 8, 2026) ("By requiring Regional Transmission Organizations (RTOs)/Independent System Operators (ISOs) and their transmission

B. Through Its Deficiency Response, MISO Affirms Its Efforts To Bypass Its Tariff And The Commission's Core Transmission Planning Requirements.

As ETCC and IECA explained in the Initial Protest, the MISO Filing is not a narrow clarification of MISO's Tariff. It is an unsupported request for waiver[18] and authority to bypass the Commission's core transmission planning, competition, and interregional coordination requirements whenever MISO chooses to do so.[19] The filing rests on the false premise that MISO may declare FERC-mandated processes inapplicable based on its unilateral characterization of where a future project, planned by MISO, is "located." MISO's claim that its Tariff does not apply because the MISO-planned MVP Projects are "located outside the MISO region"[20] cannot stand where the Commission has made clear

operators to either defend or revise their tariffs, FERC is moving to ensure that Americans have reliable, affordable power—even as electricity demand and technology accelerates.")

[18] FERC requires an applicant seeking to waive a tariff provision or regulation to demonstrate that "(1) the applicant acted in good faith; (2) the waiver is of limited scope; (3) the waiver addresses a concrete problem; and (4) the waiver does not have undesirable consequences, such as harming third parties." *PJM Interconnection, L.L.C.*, 164 FERC ¶ 61,153, at P 12 (2018) (citing *Midcontinent Indep. Sys. Operator, Inc.*, 154 FERC ¶ 61,059, at P 14 (2016)). In its transmittal letter, MISO generically asks for waiver of the Commission's regulations, "to the extent applicable." MISO Filing at 17. But MISO fails entirely to apply any detailed legal and factual analysis of the Commission's rules requiring an applicant to support its waiver request. MISO has not shown that its waiver is requested in good faith; is of limited scope; addresses a concrete problem; and avoids unintended consequences like harming third parties.

[19] Protest at 5-8 (describing the rapid increase in transmission and distribution costs, the resulting affordability pressure on consumers, and the consumer benefits of competition), and *id*. at 49 (explaining that competition provides contractual commitments and protections that benefit consumers); *see* WPPI Energy Protest at 2, 4-6; *see also* AEU Comments at 4.

[20] MISO Filing at 1.

that regional planning as contemplated by Order No. 890[21] is related to "expansion" of the transmission system.[22]

MISO's default Tariff requirement[23] provides that regionally cost-allocated transmission projects are subject to competition.[24] In an effort to circumvent the default competition requirement, the MISO Filing seeks to add "located on the Transmission System and"[25] to the competition requirement. This addition would make the requirement unreasonably and intentionally narrow, as no greenfield transmission projects are "located on the Transmission System" as that term is defined in the Tariff.[26] MISO's claimed effort to "clarify" the Tariff[27] directly contradicts the existing Tariff, demonstrating that MISO has violated Attachment FF, VIII. Notably, MISO has not properly sought approval from

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[21] *Preventing Undue Discrimination and Preference in Transmission Service*,

Order No. 890, 118 FERC ¶ 61,119, at P 444, *order on reh'g*, Order No. 890-A, 121 FERC ¶ 61,297 (2007), *order on reh'g*, Order No. 890-B, 123 FERC ¶ 61,299 (2008), *order on reh'g*, Order No. 890-C, 126 FERC ¶ 61,228, *order on clarification*, Order No. 890-D, 129 FERC ¶ 61,126 (2009).

[22] *So. Cal. Edison Co*, 164 FERC ¶ 61,160 (2018); *Cal. Pub. Util. Comm'n v. Pac. Gas & Elec. Co.*, 164 FERC ¶ 61,161 (2018).

[23] The default requirement is a direct reflection of Order No. 1000-A which declared "The concept is that there should not be a federally established monopoly over the development of an entirely new transmission facility that is selected in a regional transmission plan for purposes of cost allocation to others." Order No. 1000-A at P 426. *See* WPPI Protest at 4 ("**Under the MISO Tariff, competition is the default mechanism for selecting developers for MVPs approved in MISO's regional plan for purposes of cost allocation**.") (emphasis added).

[24] Attachment FF, VIII.A.

[25] MISO Filing at 15.

[26] Transmission System is defined, in part as "The transmission facilities owned or controlled by Transmission Owners that have conveyed functional control to the Transmission Provider, and are used to provide Transmission Service under Module B of this Tariff." Tariff, Module A, § I.T (definition of Transmission System).

[27] MISO Filing at 15; Doner Testimony at 16, lines 16-19.

the Commission for any kind of waiver of MISO's Tariff.[28] And the existing Tariff-based exemptions from initiating competitive solicitations do not apply here.[29]

MISO's effort to circumvent the existing Tariff by directly assigning certain "Do No Harm" projects to PJM transmission owners does not excuse the Tariff violation identified above. As IECA and ETCC addressed in their protest, to the extent that there are impacts on neighboring systems allegedly arising out of MISO's planning of Long-Range Transmission Planning ("LRTP") Tranche 2.1 projects, those impacts can be dealt with the tie-line transmission to transmission agreement.[30] Those off system impacts, if they exist, do not permit MISO to ignore its required competitive process for the MVP [tie-line] Projects on the basis that they are not on the existing MISO Transmission System and are thus located outside MISO.

MISO's Deficiency Response also fails to cure MISO's misinterpretation of the PJM tariff, asserting that the MVP Projects it seeks to directly assign to PJM transmission owners are "Supplemental Projects" under the PJM Tariff.[31] They are not. And if the relevant projects were indeed Supplemental Projects as defined by the PJM Tariff, Commission precedent requires all costs arising from those projects to be allocated exclusively to the transmission owner developing the project.

The totality of the greenfield MVP projects that MISO seeks to directly assign by contract are regional or interregional projects under Order No. 1000 and are subject to

[28] *See supra*, fn. 18 (explaining the FERC case law and rules for requests for waivers).

[29] *See* Tariff, Attachment FF, Section VIII.A.1-A.3 (pertaining to state right of first refusal laws, upgrades, and immediate need reliability projects).

[30] *See* ETCC/IETC Protest at 44-48.

[31] *See* MISO Filing at 3-4.

competition.[32] MISO's assertion that the MVP Projects are located "in the PJM region" is nothing more than a self-fulfilling policy choice by MISO to avoid competition.[33]

Even if MISO were correct about the limitations of its regional planning process because the MVP portfolio extends "outside the MISO region" then MISO's assertions would implicate MISO's FERC-approved (and required) interregional planning process with PJM.[34] Under neither scenario are one-off contractual agreements with individual PJM transmission owners appropriate or just, reasonable, not unduly discriminatory or non-preferential. MISO's proposed Tariff changes are unnecessary, inconsistent with existing Tariff provisions, and should be rejected by the Commission.

II. CONCLUSION

Not only has the MISO Filing not been shown to be just and reasonable, but the Deficiency Response did not cure the defects in the proposed Tariff revisions. MISO's Filing is procedurally deficient as noted by the Deficiency Letter, and MISO's Deficiency Response does little to address such deficiencies. MISO's existing Tariff requires competitive solicitation for all tie-line projects MISO seeks to directly assign. Further, because MISO is unable to demonstrate that the after-the-fact Tariff revisions are not

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[32] Order No. 1000-A at P 430 (if any costs of a new transmission facility are allocated regionally or outside of a public utility transmission provider's retail distribution service territory or footprint, then there can be no federal right of first refusal associated with such transmission facility, except as provided in this order.)

[33] "*See, e.g.*, Commonwealth Edison Company's Motion To Dismiss Under 735 ILCS 5/2-615 AND 735 ILCS 5/2-619, filed October 24, 2025 in Case No. 2025MR15 before the Circuit Court, Eleventh Judicial Circuit, Woodford County, Illinois at 2-3 (asserting that "both ComEd and an Ameren affiliate have constructed, and currently maintain, hundreds of miles of transmission lines within the Ameren territory" and that Illinois law "does not carve up the State into geographic zones in which construction of electric transmission infrastructure can only be undertaken by or with the permission of the utility holding the right to provide retail service in that area."

[34] *See* ETCC/IECA Protest at 22-29, 35-36, 44-45.

unduly discriminatory or preferential, even after the opportunity for a supplemental explanation, the Commission should reject the filing with prejudice and require MISO to comply with its existing Tariff and Order No. 1000.

Respectfully submitted,

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Date: July 13, 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 this proceeding.

Dated on this 13th day of July, 2026.

/s/*Kenneth R. Stark*

Counsel to the Electricity Transmission Competition Coalition and the Industrial Energy Consumers of America