UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Southwest Power Pool, Inc.	)	Docket No. ER26-2796-000

PROTEST OF
THE ELECTRICITY TRANSMISSION COMPETITION COALITION

On June 12, 2026, the Southwest Power Pool, Inc. ("SPP") submitted a compliance filing[1] proposing revisions to its Open Access Transmission Tariff ("SPP Tariff Revisions" or "Compliance Filing") to incorporate language in compliance with the requirements of the Final Rule, or Order No. 1920, issued by the Federal Energy Regulatory Commission ("Commission" or "FERC") in Docket No. RM21-17-000.[2] SPP requests an effective date of January 1, 2027 for its Tariff Revisions.[3]

Pursuant to Rules 211 and 214 of the Commission's Rules of Practice and Procedures[4] and the Commission's July 2, 2026 Notice Granting Extension of Time, the Electricity Transmission Competition Coalition ("ETCC") protests SPP's Compliance Filing because the proposed Tariff Revisions do not strictly comply with the Commission's implementation of the new right-sized replacement transmission facility right-of-first-refusal ("ROFR") instituted in Order No. 1920. ETCC respectfully asks that the Commission reject the Compliance Filing and instead require SPP

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[1] *See Southwest Power Pool Inc.*, Order Nos. 1920, 1920-A, and 1920-B Regional Compliance Filing, Docket No. EL26-2796-000 (filed June 12, 2026).

[2] Building for the Future Through Electric Regional Transmission Planning and Cost Allocation, Order No. 1920, 187 FERC ¶ 61,068 (2024), order on reh'g & clarification ("Order No. 1920"). FERC subsequently issued Order No. 1920-A, 189 FERC ¶ 61,126 (2024), order on reh'g & clarification ("Order No. 1920-A"), Order No. 1920-B, 191 FERC ¶ 61,026 (2025), appeal pending sub nom. Appalachian Voices v. FERC, Nos. 24-1650, et al. (4th Cir. July 16, 2024) ("Order No. 1920-B").

[3] *See Southwest Power Pool Inc.*, Order Nos. 1920, 1920-A, and 1920-B Regional Compliance Filing, Docket No. EL26-2796-000, at 62 (filed June 12, 2026).

[4] 18 C.F.R. §§ 385.211, 385.214.

to propose new tariff revisions that comply with the requirements, directives, and principles underlying Order No. 1920.

I. STATEMENT OF INTEREST OF ETCC

ETCC is a diverse, broad-based, nation-wide coalition focused on electricity affordability through increasing competition in the development and ownership of America's electricity transmission infrastructure.[5] ETCC represents companies and organizations throughout the continental United States, including manufacturing groups, retail electric consumers, state consumer advocates, public power representatives, think tanks, and non-incumbent transmission developers. ETCC members represent entities and individuals that pay hundreds of billions of dollars in electricity rates each year.

The transmission and distribution components of electricity rates represent the fastest rising component of electricity bills,[6] far outpacing inflation,[7] – with ongoing annual escalations expected well into the future to meet the grid's infrastructure needs.[8] "It is long-established that the 'primary aim' [of the Federal Power Act] is the protection of consumers from excessive rates and charges."[9] Comprised of organizational representing residential, commercial, institutional,

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[5] *See* https://electricitytransmissioncompetitioncoalition.org/who-we-are/ (last accessed August 5, 2026). ETCC filed a Doc-less Motion to Intervene in this proceeding on May 21, 2026.

[6] *See, e.g.*, "Transmission Costs Are Rising – Here's What That Means for Your Electric Bill," American for Fair Energy Prices, *available at* https://www.fairenergyprices.org/energy-prices-blog/transmission-costs-are-risingheres-what-that-means-for-your-electric-bill (last accessed August 5, 2026).

[7] *See* "Americans hit with soaring electricity bills at price hikes outpace inflation nationwide," (Feb. 26, 2026), *available at* https://www.foxbusiness.com/economy/americans-hit-soaring-electricity-bills-price-hikes-outpace-inflation-nationwide (last accessed August 5, 2026).

[8] "Investor-owned utilities could spend $1.1T between 2025 and 2029," EEI, Utility Dive, Oct. 9, 2025, *available at* https://www.utilitydive.com/news/investor-owned-utilities-spending-more-than-ever-eei/802315/ (last August 5, 2026).

[9] *Xcel Energy Services v. FERC*, 815 F.3d 947, 952-53 (D.C. Cir. 2016).

and industrial loads, ETCC a vital interest in unleashing competitive processes to protect against ballooning transmission costs.

II. INTRODUCTION AND EXECUTIVE SUMMARY

ETCC appreciates that SPP is under a directive to comply with Order No. 1920, even though several challenges to the Final Rule are pending before the Fourth Circuit Court of Appeals ("Fourth Circuit"), with oral argument scheduled for September 15, 2026. Some parties to the case, including ETCC, LS Power Grid, the Resale Power Group of Iowa, Advanced Energy United, and several industrial customer groups[10] have specifically asked for court review of the right-sized replacement transmission facility ROFR instituted under Order No. 1920, and specifically asked for the Order No. 1920 paragraphs 1693-1709, which established the new right-sized replacement transmission facility ROFR to be struck, while not necessarily challenging the remainder of Order No. 1920's reforms.

ETCC is not seeking through this Protest to re-litigate paragraphs 1693-1709 of Order No. 1920, which is actively before the Fourth Circuit; rather ETCC seeks SPP's strict compliance with these paragraphs, in the event that Order No. 1920 paragraphs 1693-1709 are upheld by the courts. The Commission must ensure that a compliance filing accords with the directives of the underlying order.[11] Unlike instances where the Commission has directed the utility on compliance to make further proposals,[12] the Commission did not provide for such discretion as to the definition and application of the right-sizing ROFR requirements in Order No. 1920. A reviewing court will

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[10] The arguments of the ETCC appellate brief are expressly supported by several consumer groups, including the Industrial Energy Consumers of America, the American Forest & Paper Association, the PJM Industrial Customer Coalition, and the Coalition of MISO Transmission Customers. *See Appalachian Voices, et al., v. FERC*, Opening Brief of the Consumer Petitioners, No. 24-1650 (*4th Cir. March 13, 2026*).

[11] *City of Cleveland v. FERC*, 773 F.2d 1368, 1374 (D.C. Cir. 1985); *see also E. Texas Coop. v. FERC*, 218 F.3d 750, 753-754 (D.C. Cir. 2000) ("FERC precedent generally confines the scope of modifications in compliance filings to the Commission's particular directives").

[12] *See East Texas*, 218 F.3d at 753-754 (citing *Entergy Power Mktg. Corp.*, 75 FERC ¶ 61,282 at ¶ 61,903 (1996)).

overturn a FERC order on compliance if the FERC order is arbitrary and capricious and inconsistent with the underlying FERC order that triggered the compliance filing.[13]

With this background in mind, ETCC organizes this protest around the specific paragraphs and definitions in Order No. 1920 to demonstrate that the SPP Compliance Filing fails to provide sufficient detail in its Tariff Revisions to ensure compliance with Paragraphs 1678, 1679, 1680, 1681, 1702 and Footnote 3613 of Order No. 1920 and therefore, cannot be accepted. The right-sizing ROFR provisions in SPP's Compliance Filing, while sparse, constitute matters that significantly affect rates.[14] As a result, SPP's full compliance with the aforementioned paragraphs in Order No. 1920 must be reflected in the tariff that is on file with the Commission, and not left to SPP's discretion. Because SPP's Compliance Filing does not comply with Order No. 1920's narrow and clear determinations concerning the use of a right-sizing ROFR, the Compliance Filing must be rejected.

III. BACKGROUND

On May 13, 2024, FERC issued Order No. 1920. The primary focus of Order No. 1920 was addressing shortcomings of status quo planning practices.[15] In it, FERC concluded that the current lack of long-term, forward-looking, and comprehensive regional transmission planning results in inefficient transmission infrastructure that requires customers to pay "more than is necessary or appropriate," forgoing projects with benefits in excess of costs, and "renders Commission-jurisdictional regional transmission planning and cost allocation processes unjust

[13] *See IDACORP Energy L.P. v. FERC*, 433 F.3d 879, 886 (D.C. Cir. 2006) (rejecting FERC's acceptance of a compliance filing as arbitrary and capricious).

[14] *See Santa Paula Energy Storage, LLC Black Walnut Energy Storage, LLC*, 195 FERC ¶ 61,186 (2026) ("[FERC's] rule of reason requires that tariffs include practices that affect rates and service significantly."); *see also Nevada Power Co. Sierra Pac. Power Co.*, 176 FERC ¶ 61,011 (2021) (penalty pricing parameters must be in the CAISO tariff, as opposed to the business practice manual to be consistent with the Commission's rule of reason).

[15] Order No. 1920 at PP 85, 112, 114-123.

and unreasonable."[16] Order No. 1920 therefore adopted a requirement for "Long-Term Regional Transmission Planning" that FERC reasoned would "ensure the identification, evaluation, and selection, as well as the allocation of the costs, of more efficient or cost-effective regional transmission solutions to address Long-Term Transmission Needs."[17]

In issuing Order No. 1920, the Commission explained that existing transmission provider tariffs were unjust and unreasonable "due to the lack of right-sizing requirements that may lead to the identification, evaluation, and selection of more efficient or cost-effective Long-Term Regional Transmission Facilities."[18] And so, FERC mandated that transmission planners include in their tariffs a ROFR for any "right-sized replacement transmission facility that is selected to meet Long-Term Transmission Needs"[19] that arises out of an "in-kind replacement transmission facility."[20] A Long-Term Transmission Need is a defined term in Order No. 1920, and in order to have a new ROFR the definitions of "Long-Term Transmission Need", "in-kind replacement transmission facility" and "right-sized replacement transmission facility" under Order No. 1920 all must be met.

The Commission's rationale behind "right-sizing" facilities was facilitating the identification of transmission projects under 200 kV planned by individual transmission owners that can be modified or "right-sized" to more efficiently or cost effectively address regional transmission needs.[21] The Commission further explained that the reforms of Order No. 1920 were intended to enhance transparency of the individual transmission owner planning process

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[16] Order No. 1920 at P 112.

[17] Order No. 1920 at P 1.

[18] Order No. 1920 at P 1576.

[19] Order No. 1920 at P 1702.

[20] Order No. 1920 at P 1678.

[21] *See* Order No. 1920 at P 1574.

inputs into the regional planning process to allow evaluation of whether individual transmission owner planned replacement transmission facilities can be "right-sized" to address broader regional needs.[22]

On rehearing, the Commission sustained Order No. 1920's finding that right-sizing reform would promote the consideration of more efficient or cost-effective potential regional transmission solutions to address Long-Term Transmission Needs.[23] The Commission further affirmed:

> [The] federal right of first refusal applies **only** to selected right-sized replacement transmission facilities, which, absent the right-sizing reform, would likely not otherwise be identified for potential selection in either the existing Order No. 1000 regional transmission planning process or the Long-Term Regional Transmission Planning process.[24]

Here, the following Paragraphs in Order No. 1920 are relevant to implementation of the right-sizing ROFR:

> 1677. We adopt the NOPR proposal, with modification, to require that, as part of each Long-Term Regional Transmission Planning cycle, transmission providers in each transmission planning region evaluate whether transmission facilities (1) operating above a specified kV threshold and (2) that an individual transmission provider that owns the transmission facility anticipates replacing in-kind with a new transmission facility during the next 10 years can be "right-sized" to more efficiently or cost-effectively address a Long-Term Transmission Need. To effectuate this reform, we also adopt the NOPR proposal, with modification, to require that, sufficiently early in each Long-Term Regional Transmission Planning cycle, each transmission provider submit its in-kind replacement estimates (i.e., estimates of the transmission facilities operating at and above the specified kV threshold that an individual transmission provider that owns the transmission facility anticipates replacing in-kind with a new transmission facility during the next 10 years) for use in Long-Term Regional Transmission Planning. With respect to the specified kV threshold, transmission providers must propose on compliance a threshold that does not exceed 200 kV (e.g., 115 kV and above). In adopting the right-

[22] Order No. 1920 at P 1577; *see id.* at P 1650, n. 3613 (explaining the process for "right-sizing" projects).

[23] See Order No. 1920-A at P 890.

[24] See Order No. 1920-A at P 892.

sizing reform in this final rule, we recognize that a transmission provider may have existing rights and responsibilities with respect to maintaining and, when necessary, replacing existing transmission facilities. We also adopt the NOPR proposals regarding a federal right of first refusal and cost allocation method for right-sized replacement transmission facilities, as discussed below.

1678. We adopt the NOPR proposal to define “right-sizing” as the process of modifying a transmission provider's in-kind replacement of an existing transmission facility to increase that facility's transfer capability.[3580] Additionally, we clarify that, for purposes of this right-sizing reform, an “in-kind replacement transmission facility” is a new transmission facility that: (1) would replace an existing transmission facility that a transmission provider has identified in its in-kind replacement estimate as needing to be replaced; (2) would result in no more than an incidental increase in capacity over the existing transmission facility identified as needing to be replaced;[3581] and (3) is located in the same general route as, and/or uses the existing rights-of-way of, the existing transmission facility identified as needing to be replaced.

1679. Further, we clarify that a “right-sized replacement transmission facility” is a new transmission facility that: (1) would meet the need to replace an existing transmission facility that a transmission provider has identified in its in-kind replacement estimate as one that it plans to replace with an in-kind replacement transmission facility while also addressing a Long-Term Transmission Need; (2) results in more than an incidental increase in the capacity of an existing transmission facility that a transmission provider has identified for replacement in its in-kind replacement estimate; and (3) is located in the same general route as, and/or uses or expands the existing rights-of-way of, the existing transmission facility that a transmission provider has identified for replacement in its in-kind replacement estimate. We believe these clarifications are necessary to ensure that use of the right-sizing reform addresses *replacement* transmission facilities and not entirely new transmission facilities.

1680. As an example, assume that transmission providers determine that an existing transmission facility included in a transmission provider's in-kind replacement estimate can be right-sized (Segment 1) and, together with a separate new transmission facility (Segment 2), is the more efficient or cost-effective solution to a Long-Term Transmission Need. In this example, Segment 1 is a new 50-mile, 345 kV transmission facility between interconnection points A and B that requires the expansion of an existing right-of-way, and replaces an existing 50-mile, 230 kV transmission facility between interconnection points A and B. Segment 2 in this example is a new 25-mile, 345 kV transmission facility requiring entirely new rights-of-way from interconnection points B to C. If both Segment 1 and Segment 2 are selected to address a Long-Term Transmission Need, then, for purposes of the requirements of this final rule, only Segment 1 would be considered a right-sized replacement transmission facility.

1681. Consistent with the NOPR proposal, and as discussed further below, the process under this proposed right-sizing reform entails taking the following steps, which transmission providers must describe in their OATTs. The transmission providers in each transmission planning region must propose a point sufficiently early in each Long-Term Regional Transmission Planning cycle at which each individual transmission provider in the transmission planning region will submit its in-kind replacement estimates for use in Long-Term Regional Transmission Planning. Then, if transmission providers identify a right-sized replacement transmission facility as a potential solution to a Long-Term Transmission Need as part of Long-Term Regional Transmission Planning, that right-sized replacement transmission facility must be evaluated in the same manner as any other proposed Long-Term Regional Transmission Facility to determine whether it is the more efficient or cost-effective transmission facility to address the transmission need. More specifically, it is at this stage of the right-sizing reform where transmission providers must use the in-kind replacement estimates to determine if in-kind replacement transmission facilities could be right-sized to more efficiently or cost-effectively address a Long-Term Transmission Need(s). If a right-sized replacement transmission facility addresses the transmission provider's need to replace an existing transmission facility, meets the applicable selection criteria included in Long-Term Regional Transmission Planning, and is found to be the more efficient or cost-effective solution to a Long-Term Transmission Need, then the right-sized replacement transmission facility must be considered for selection.

1702. We adopt the NOPR proposal to require the establishment of a federal right of first refusal for a right-sized replacement transmission facility[3613] [25] that is selected to meet Long-Term Transmission Needs. This federal right of first refusal will apply to the transmission provider that included in its in-kind replacement estimate the existing transmission facility that the right-sized replacement transmission facility would replace, and extends to

[25] Order No. 1920 at P 1702 ("FN3613 As noted above, right-sizing could include, for example, increasing the transmission facility's voltage level, adding circuits to the towers (e.g., redesigning a single-circuit line as a double-circuit line), or incorporating advanced technologies (e.g., advanced conductor technologies). Additionally, we reiterate that, as noted above, a right-sized replacement transmission facility is, for purposes of this right-sizing reform, a new transmission facility that: (1) would meet the need to replace an existing transmission facility that a transmission provider has identified in its in-kind replacement estimate as one that it plans to replace with an in-kind replacement transmission facility while also addressing a Long-Term Transmission Need; (2) results in more than an incidental increase in the capacity of an existing transmission facility that a transmission provider has identified for replacement in its in-kind replacement estimate; **and** (3) is located in the same general route as, and/or uses or expands the existing rights-of-way of, the existing transmission facility that a transmission provider has identified for replacement in its in-kind replacement estimate.").

> any portion of the right-sized replacement facility located within that transmission provider's retail distribution service territory or footprint, recognizing that any such portion must satisfy the definition of a right-sized replacement facility, as revised by this final rule, including that the right-sized replacement transmission facility is located in the same general route as, and/or uses or expands the existing rights-of-way of, the existing transmission facility.

A. SPP's Compliance Filing Does Not Adequately Incorporate the Right-Sizing ROFR Provisions As Required by Order No. 1920.

1. SPP's Compliance Filing Does Not Satisfy the Commission's Rule of Reason That Practices Affecting Rates Must Be Included In the Tariff.

The Commission's well-established "Rule of Reason" requires that matters significantly affecting rates and services must be included in a tariff.[26] The process for "Right-sizing" an existing transmission facility, such as increasing the capacity of a 230 kV line to 345 kV, will result in substantially higher FERC-jurisdictional rates that consumers pay and therefore such terms and conditions around "right-sizing" must be explicitly included as part of SPP's Tariff Revisions. SPP's transmittal letter to its Compliance Filing is fairly detailed and references "right-size" or "right-sizing" approximately 46 times. Yet, the proposed Tariff Revisions lack a definition of "right-sizing replacement transmission facility" and only include one fleeting reference to the word "right-size."[27] The vague and incomplete Tariff Revisions must be modified, as the current limited language leaves too much discretion to SPP to engage in matters that

[26] *See Santa Paula Energy Storage, LLC Black Walnut Energy Storage, LLC*, 195 FERC ¶ 61,186 (2026) ("[FERC's] rule of reason requires that tariffs include practices that affect rates and service significantly."); *see also Nevada Power Co. Sierra Pac. Power Co.*, 176 FERC ¶ 61,011 (2021) (penalty pricing parameters must be in the CAISO tariff, as opposed to the business practice manual to be consistent with the Commission's rule of reason).

[27] *See* SPP Redlined Tariff at 37.

significantly affect rates without Commission approval (and potentially without stakeholder input).

Order No. 1920 requires that any potential "right-sized" replacement facility must be evaluated alongside and in the same manner as any other Long-Term Regional transmission facilities under the regional transmission planning process to determine the more efficient or cost-effective facility to address the transmission need.[28] If, under Order No. 1920, the "right-sized" facility is found to be the more efficient or cost-effective solution to an identified need, then the facility must be considered for selection.[29]

SPP's only mention of "right-sizing" in its Tariff Revisions is a high-level provision in Section IV.1.7.5 of Attachment AY to its Tariff.[30] Section 1.7 relates to SPP's process to analyze transmission solutions and alternatives for the transmission assessment. The proposed addition to it reads as follows:

> 1.7.5 The Transmission Provider shall evaluate all proposals for the right-sizing of facilities to address needs in a cost-efficient manner.[31]

ETCC appreciates inclusion of a "cost-efficient" standard in the proposed Tariff Revisions and agrees that all proposals should be considered. However, aside from this proposed addition, SPP proposes no more language additions and instead asserts that its Attachment Y (Transmission Owner Selection Process) is consistent with Order No. 1920's requirements for right-sized federal ROFRs because it preserves the ability of incumbent transmission owners to construct facilities that are developed as replacements to their existing transmission infrastructure.[32] According to

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[28] Order No. 1920 at 1681.

[29] *Id*.

[30] See SPP Compliance Filing Transmittal Letter at 57.

[31] SPP Redlined Tariff at 37.

[32] SPP Compliance Filing Transmittal Letter at 58.

SPP, Attachment Y distinguishes between new transmission facilities that may be subject to competitive solicitation and projects that qualify for its Rebuild Exemption.[33] SPP defines "Rebuild" as "a transmission facility that is an improvement to, addition to, or replacement of part of, an existing transmission facility."[34] The Commission was clear in Order No. 1000 and associated SPP Order No. 1000 compliance orders that the upgrade or he Rebuild Exemption only applies to "…replacement of **part of**" an existing transmission facility and there was clear Commission direction that it is only discussing "part of" the facility.[35] Fortunately, today, SPP does not share the same expansive "Upgrade" definition that MISO Transmission Owners enjoy and the Commission's Order No. 1000 compliance orders in SPP were much more stringent than MISO on this point.[36] While SPP argues its existing framework is administratively superior to an approach requiring case-by-case determinations, the reality is that SPP's Tariff lacks definitional

[33] *Id*.

[34] SPP Compliance Filing Transmittal Letter at FN 313.

[35] *See* Order No. 1000-A at P 426 ("In response to requests for clarification regarding what the Commission considers to be an upgrade, we note that in Order No. 1000, the term upgrade means an **improvement to, addition to, or replacement of a part of, an existing facility**. The term upgrades does not refer to an entirely new transmission facility.") (emphasis added).

[36] *See Sw. Power Pool, Inc. et al.*, 144 FERC ¶ 059, at PP 181-185 (2013) ("First Compliance Order"). The Commission found that SPP's first proposal to maintain a right of first refusal for a rebuild facility only partially complied with Order No. 1000 because SPP's tariff did not reflect the clarification SPP provided in its answer, wherein SPP affirmed that the term "rebuild" is used in SPP's regional transmission planning process to distinguish a change to an existing facility (*i.e.*, a rebuild) and a new facility. *Id. at* P 184. There, SPP recognized that a rebuild does not refer to entirely new transmission facilities. *Id.* Regarding SPP's second Order No. 1000 compliance filing, the Commission again found that SPP partially complied with the First Compliance Order. *Sw. Power Pool, Inc. et al.*, 149 FERC ¶ 61,048 at PP 158-162 (2014) ("Second Compliance Order"). FERC observed that SPP's proposed definition of "rebuild" was an improvement but still failed to comply with Order No. 1000-A because SPP's definition "would include as an upgrade the replacement of an entire transmission facility rather than replacement *of a part* of an existing transmission facility." Second Compliance Order at P 158 (emphasis in original). Therefore, FERC directed SPP to submit a further compliance filing to revise its tariff definition of upgrades "so that only the replacement of part of an existing transmission facility can be considered an upgrade." *Id.*

clarity on the right-sizing ROFR parameters, including how SPP will separate the competitive and non-competitive portions of right-sized facilities.

The existing framework invoked by SPP is too broad and therefore insufficient to meet the requirements of Order No. 1920. At a minimum, Section 1.7.5 of the Tariff Revisions should be further revised and strengthened. ETCC suggests the following as an option:

> 1.7.5 – <u>The Transmission Provider shall evaluate any proposed right-sized replacement transmission facility alongside other needs in a regional transmission planning process in a manner that is not unduly discriminatory or preferential. The Transmission Provider shall evaluate all proposals for a right-sized replacement transmission facility to ensure that needs are addressed in a cost-efficient manner.</u>

2. SPP's Compliance Filing Should Incorporate Order No. 1920's Definitions of Right-Sized Replacement Transmission Facility, In-Kind Replacement Transmission Facility, and Long-Term Transmission Need.

SPP's minimal proposed "right-sizing" language is inherently insufficient to meet the requirements of Paragraph 1679 of Order No. 1920, wherein FERC explicitly requires a "right-sized" facility to be a new, replacement transmission facility, not simply a "rebuild" to an existing facility.[37] SPP's Compliance Filing lacks definitional clarity, thereby risking the development and application of a right-sizing process based more on SPP's discretion than on Order No. 1920's clear and specific directives.

SPP fails to include in its tariff a clear definition for a "right-sized replacement transmission facility," despite SPP's use of the phrase "right-sizing" in its Attachment AY. Notably, Duke Energy Florida, LLC in its Order No. 1920 Compliance Filing in Docket No. ER26-2800, proposed several detailed, redlined tariff revisions, including FERC's definition of "right-

[37] *See* p. 6 of this Protest.

sized replacement transmission facility."[38] In a similar vein, the Commission should require SPP to include in its Tariff Definitions FERC's verbatim definition for "right-sized replacement transmission facility" as follows:

> a "right-sized replacement transmission facility" is a new transmission facility that: (1) would meet the need to replace an existing transmission facility that a transmission provider has identified in its in-kind replacement estimate as one that it plans to replace with an in-kind replacement transmission facility while also addressing a Long-Term Transmission Need; (2) results in more than an incidental increase in the capacity of an existing transmission facility that a transmission provider has identified for replacement in its in-kind replacement estimate; and (3) is located in the same general route as, and/or uses or expands the existing rights-of-way of, the existing transmission facility that a transmission provider has identified for replacement in its in-kind replacement estimate.[39]

Such inclusion would ensure a strict and narrow application of "right-sizing" that is confined to the language of Order No. 1920 and better ensure that SPP applies Order No. 1920's determinations as the Commission intended.

To ensure that the "right-sizing" process adheres strictly to Order No. 1920's specific requirements, the Commission should also direct SPP to incorporate in its Tariff the verbatim definition of In-Kind Replacement Transmission Facility from Paragraph 1678 of Order No. 1920:

> a new transmission facility that: (1) would replace an existing transmission facility that a transmission provider has identified in its in-kind replacement estimate as needing to be replaced; (2) would result in no more than an incidental increase in capacity over the existing transmission facility identified as needing to be replaced; and (3) is located in the same general route as, and/or uses the existing rights-of-way of, the existing transmission facility identified as needing to be replaced.

In Order No. 1920, FERC required the transmission owner to submit to the transmission provider (*i.e.*, SPP) its list of in-kind replacements in the 10-year horizon. The regional planner

[38] *See Duke Energy Florida, LLC*, Docket No. ER26-2800, Redlined Tariff Revisions at Sec. 7 (Selection of Long-Term Regional Transmission Facilities) (filed June 12, 2026).

[39] Order No. 1920 at P 1679.

(*i.e.*, SPP) determines the right-sized replacement facilities after evaluating all alternatives to meeting regional needs. SPP's transmittal letter briefly references the Order No. 1920 requirement for the submission of the 10-year in-kind replacement look ahead.[40] Yet, SPP did not propose any Tariff language to incorporate this 10-year plan. Therefore, the Commission should also direct SPP to incorporate this 10-year plan requirement into its Tariff as well as incorporate in its Tariff a definition of Long-Term Transmission Need that is consistent with Order No. 1920's requirement that "transmission providers in each transmission planning region evaluate whether transmission facilities (1) operating above a specified kV threshold and (2) that an individual transmission provider that owns the transmission facility anticipates replacing in-kind with a new transmission facility during the next 10 years can be "right-sized" to more efficiently or cost-effectively address a Long-Term Transmission Need."[41] from Paragraph 1677 of Order No. 1920. Such inclusion would capture the requirement that the ROFR would only apply if the replacement facility is actually identified in the 10-year plan. This approach would also promote clarity in SPP's Tariff application and help limit discretionary tariff interpretation that could skew toward a direct assignment determination, instead of initiation of the competitive transmission process.

B. SPP Has Not Demonstrated That a January 1, 2027 Implementation Date for Its Tariff Revisions Is Necessary and Prudent in Light of Pending Appellate Litigation and the Delayed Order No. 1920 Compliance Effective Dates of Other Transmission Providers.

Order No. 1920 requires transmission providers to propose a compliance date on which the first Long-Term Regional Transmission Planning cycle will commence no later than two years from the date of the initial compliance filings.[42] Here, SPP proposes an effective date of January

[40] *See* SPP Compliance Filing Transmittal Letter at 56.

[41] Order No. 1920 at P 1677.

[42] Order No. 1920 at P 382.

1, 2027 but has not demonstrated why such a short turnaround time for implementation is necessary. MISO's Order No. 1920 Compliance Filing (Docket No. ER26-2825), for example, requests an effective date of June 12, 2028, and Duke Energy's (Docket No. ER26-2800) proposed effective date is January 1, 2028. Such longer timelines allow adequate time for thorough review and implementation of the extensive Compliance Filing, while conserving regulatory resources in the event that Order No. 1920 is overturned in whole or in part (or otherwise modified) by the Fourth Circuit. Delaying implementation until the conclusion of the Order No. 1920 appellate litigation process can help preserve party and Commission resources and avoid unnecessary expenditure of resources, time, and personnel. Similar to the rationale used by agencies and courts to hold proceedings in abeyance, the Commission here can justify delaying the effective dates for Order No. 1920 compliance.[43] Notably, the Commission and industry stakeholders are very busy navigating several challenges in the current regulatory climate, including regulatory uncertainty on a range of issues pertaining to resource adequacy and generation retirements and interconnection queues, new reliability requirements, and large load interconnections. Cost-effective, holistic, independent regional planning is critically important, but ETCC respectfully

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[43] *See Pac. Gas & Elec. Co. S. California Edison Co. San Diego Gas & Elec. Co*., 113 FERC ¶ 61,127, 61508 (2005) ("Since the outcome of the SCS Proceeding is dependent on the Commission's resolution of the D.C. Circuit Remand, the continuance of the SCS Proceeding could result in a waste of the Commission's administrative resources. Therefore, we will hold the SCS Proceeding in abeyance pending the Commission's action on the D.C. Circuit Remand; until that time, this action will preserve the status quo with respect to the SCS Proceeding.").

submits that the effective dates for compliance should be established in later 2027 or in 2028 in light of other priorities and the pending appellate litigation.

C. SPP's Compliance Filing Does Not Meet Order No. 1920's Requirement to Establish a Transparent, Standardized, And Non-Discriminatory Evaluation and Selection Process for Right-Sizing Replacement Transmission Facilities.

Order No. 1920 requires transmission providers to establish a transparent evaluation and selection process for long-term regional transmission facilities that is described in RTO tariffs and is not unduly discriminatory or preferential.[44] SPP's Compliance Filing does not afford stakeholders the transparent, standardized, and descriptive "right-sizing" explanation that the Final Rule requires. Because SPP fails to propose Tariff provisions that detail SPP's evaluation, selection, and right-sizing determination process, ETCC and other stakeholders cannot be assured that SPP will adhere to the guardrails established by the Commission in Order No. 1920. Importantly, SPP has not shown that it will adequately protect the Order No. 1000[45] framework that Order No. 1920 did not disturb. Most importantly to ETCC, SPP does not explain with new Tariff language how it will implement and ensure the Commission's determination in Paragraph 1680 of Order No. 1920, which is vital to protecting competitive transmission markets.

> 1680. As an example, assume that transmission providers determine that an existing transmission facility included in a transmission provider's in-kind replacement estimate can be right-sized (Segment 1) and, together with a separate new transmission facility (Segment 2), is the more efficient or cost-effective solution to a Long-Term Transmission Need. In this example, Segment 1 is a new 50-mile, 345 kV transmission facility between interconnection points A and B that requires the expansion of an existing right-of-way, and replaces an existing 50-mile, 230 kV transmission facility between interconnection points A and B. Segment 2 in this example is a new 25-mile, 345 kV transmission facility requiring entirely new rights-of-way from interconnection points B to C. If both Segment 1 and Segment 2 are selected to address a Long-Term Transmission Need, then, for

[44] SPP Compliance Filing Transmittal Letter at 28.

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

> purposes of the requirements of this final rule, only Segment 1 would be considered a right-sized replacement transmission facility.

SPP's Compliance Filing lacks appropriate Tariff language explaining how it would ensure and protect a competitive solicitation process for Segment 2 in the above example.

Though SPP's claims that its stakeholder process is a "major safeguard" addressing the Commission's transparency concerns,[46] SPP has not substantiated its assertion that its stakeholder process effectively and adequately accounts for all stakeholder interests, especially the interests of consumers, public interest organizations, and nonincumbents.[47] To show its Tariff Revisions are just, reasonable, and not unduly discriminatory, SPP must provide substantially more detail in its Tariff Revisions related to Paragraph 1680 in Order No. 1920 in particular. The Commission should require SPP to explicitly guarantee a robust alternatives process, explicitly provide a definition of "right-sizing," and explicitly discuss transparency for stakeholders in its right-sizing process in order to comply with Order No. 1920.

IV. CONCLUSION

SPP's Compliance Filing fails to meaningfully address and incorporate the directives, plain language, and the principles underlying Orders 1920, 1920-A, and 1920-B, especially given the proposed broad "right-sizing ROFR" language. Therefore, the Commission must reject and order the tariff revisions ETCC proposes above and direct SPP to comply with the plain language directives of Order No. 1920, consistent with this Protest. The Order No. 1920 Compliance Filings present an opportunity to further mobilize the Commission's goals of forward-looking regional transmission planning that addresses long-term needs and identifies cost-effective projects, while

[46] SPP Compliance Filing Transmittal Letter at 30.

[47] *See e.g.,* Ari Peskoe, Replacing the Utility Transmission Syndicate's Control, November 14, 2023 at 599-615, available at https://www.eba-net.org/wp-content/uploads/2023/11/8-Peskoe547-618.pdf.

ensuring just and reasonable rates. The Commission must reject SPP's Compliance Filing and require tariff revisions that are compliant with Order No. 1920.

Respectfully submitted,

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Counsel to the Electricity Transmission Competition Coalition

Date: August 5, 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 5th day of August, 2026.

/s/*Rebecca Kimmel*

Counsel to the Electricity Transmission Competition Coalition