

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

Ameren Illinois Company

)

Docket No. EL25-105-000

**MOTION TO INTERVENE OF THE
ELECTRICITY TRANSMISSION COMPETITION COALITION**

On July 24, 2025, Ameren Illinois Company (“Ameren”) filed a Petition for Declaratory Order and Request for Expedited Action (“Petition”)¹ asking that the Federal Energy Regulatory Commission (“FERC” or “Commission”) to preemptively declare that “judicial precedent in Illinois *enforcing* the ‘first in the field’ doctrine constitutes Applicable Law ‘granting a right of first refusal to’”² Ameren under the Open Access Transmission, Energy and Operating Reserve Markets Tariff (“Tariff”) of the Midcontinent Independent System Operator, Inc. (“MISO”).³ Notwithstanding Ameren’s efforts to procure legislative authority to prohibit MISO from competing regional projects that connect to facilities in Illinois, the Illinois Governor soundly rejected Ameren’s quest for preferential rights in Illinois, stating:

The Governor has issued an Amendatory Veto due to the right of first refusal language inserted by Senate Amendment 4 that will raise costs for rate payers by giving incumbent utility providers in the MISO region a monopoly over new transmission lines. Eliminating competition will cause rates to increase in the MISO region, where there is currently over \$3.6 billion in planned transmission construction in the Ameren service territory. Without competition, Ameren ratepayers will pay for these transmission projects at a much higher cost, putting corporate profits over consumers.⁴

¹ “Petition For Declaratory Order And Request For Expedited Action Of Ameren Illinois Company,” *Ameren Illinois Company*, Docket No. EL25-105-000 (filed July 24, 2025) (hereinafter “Petition”).

² Petition at 1 (emphasis added).

³ See Tariff, Attach. FF, § VIII.A.2; Module A, -1 Definitions (Applicable Laws and Regulations).

⁴ See August 16, 2023 Press Release from the Governor of Illinois, *available at* <https://www.illinois.gov/news/release.html?releaseid=26893#:~:text=House%20Bill%203445%20%2D%20Amenda>

Ameren's Petition seeks to have the Commission approve the very preference that Illinois rejected.

Pursuant to Rule 212 of the Commission's Rules of Practice and Procedure,⁵ the Electricity Transmission Competition Coalition ("ETCC") – a diverse group of more than 93 companies and organizations from all 50 states that are focused on unleashing competition in the face of monopolistic market power and protecting electricity consumers from inflated, FERC-jurisdictional transmission rates that arise in the absence of competitive processes – moves to intervene in this proceeding to highlight Ameren's effort to manufacture an incumbent preference in Illinois to prevent MISO from competing hundreds of millions of dollars in transmission projects in Illinois that will be paid for by ETCC members across the MISO north/central region.

I. MOTION TO INTERVENE

a. ETCC

ETCC is a broad-based, nation-wide coalition committed to increasing competition in America's electricity transmission infrastructure. The 93 members of ETCC include individual manufacturing companies, manufacturing groups, retail electric consumers, state consumer advocates, public power representatives, think tanks, and non-incumbent transmission developers.⁶ ETCC advocates for common-sense, consumer focused policy solutions to address skyrocketing transmission rates. Electricity price inflation has

[tory%20Veto&text=The%20Governor%20has%20issued%20an,monopoly%20over%20new%20transmission%20lines](#) (emphasis added) (last accessed Aug. 15, 2025).

⁵ 18 C.F.R. § 385.212

⁶ <https://electricitytransmissioncompetitioncoalition.org/who-we-are/> (last accessed Aug. 15, 2025).

increased 5.8% compared to 2.7% for the general price inflation level.⁷ The primary ‘common-sense’ approach to protect consumers as much as possible from transmission rate inflation is competition for all FERC-jurisdictional, transmission projects. Competition helps reduce energy costs for all ratepayers – from large manufacturers to small commercial and residential consumers.

b. ETCC’s Interest In This Proceeding

ETCC supports transmission investment when that investment is driven by the needs of consumers, and when those transmission needs are fulfilled through competitive market outcomes. Competition for the right to develop and own needed transmission reduces costs to consumers, keeps ETCC’s business members competitive, and reduces the financial energy cost burden on small commercial and residential consumers. Notably, “*transmission costs are the single biggest driver of skyrocketing monthly power bills and have been for years.*”⁸ Ameren’s own experience demonstrates the benefits of competition to consumers in MISO. Ameren’s cost profile for a MISO Multi-Value Project handed to Ameren under a then existing incumbent preference that MISO transmission owners had granted themselves (the Mark Twain Project, a 96-mile, 345 kV transmission line) is substantially higher than the cost structure of the

⁷ See ETCC July 15, 2025 Press Release, available at https://www.ieca-us.org/wp-content/uploads/07.15.25_Press-Release-on-June-Inflation_FINAL.pdf (referencing data from the Bureau of Labor Statistics).

⁸ See “Chairman Christie’s Concurrence to Order Denying MISO’s Petition for Declaratory Order re the IMM’s Role,” 192 FERC ¶ 61,055, Docket No. EL25-80 (issued July 18, 2025), available at <https://www.ferc.gov/news-events/news/chairman-christies-concurrence-order-denying-misos-petition-declaratory-order-re> (emphasis in original) (citing Order No. 1920 Dissent at P 15; Zach Bright, *Electricity prices rise faster than inflation*, EnergyWire, Apr. 12, 2024 (“The Bureau of Labor Statistics found that electricity prices rose 5 percent over the past year. *That’s higher than the overall consumer price index (3.5 percent) and any other single commodity, like food . . . and gasoline . . .*”) (emphases added), <https://www.eenews.net/articles/electricity-prices-rise-faster-than-inflation/>; *Electricity Inflation 30% Higher Than CPI Over Last 12 Months*” Electricity Transmission Competition Coalition, Apr. 10, 2024 (“Electricity inflation remains the highest consumer goods cost among the items in the Consumer Price Index according to the latest release of data by the Bureau of Labor Statistics. . . . The price of electricity has soared because of the *accelerating cost of transmission . . .*”) (emphasis added)).

competitive, Fairport to Denny project⁹ (that Ameren was required to compete for when, like in Illinois, Ameren’s efforts for a state legislatively mandated incumbent preference failed).¹⁰ In the face of competition, Ameren provided enforceable caps on its cost of equity, project implementation cost caps, operations and maintenance caps for 10 year, and partnered with a tax exempt organization to provide significant long-term savings to consumers.¹¹ Ameren provided no such concessions on components of FERC-jurisdictional transmission rates when it was handed the Mark Twain project¹² because Ameren and other MISO transmission owners enjoyed monopolistic control over separate MISO transmission market zones wherein they did not need to compete among themselves.¹³ ETCC has a vested interest in this matter to ensure that MISO consumers benefit from competition and price-lowering benefits like those benefits MISO identified in selecting Ameren from nine proposals and from four qualified transmission developers for the Fairport to Denny project.

c. ETCC’s Interest Cannot Be Represented By Other Parties

ETCC’s interest in intervening in Ameren’s effort to have the Commission manufacture a preference though MISO’s federal tariff when the State of Illinois rejected such a preference meets the requirements of Rule 212. A Commission finding that an incumbent preference is

⁹ See MISO Selection Report for the Fairport to Denny to IA/MO State Border 345 kV Competitive Transmission Project (Oct. 27, 2023), available at https://cdn.misoenergy.org/FDIM_345_kV_Selection_Report630669.pdf (“Fairport to Denny Project Report”) (last accessed Aug. 15, 2025).

¹⁰ “Missouri Legislature Makes Wise Decision to Not Support Anti-Consumer ROFR Bill SB 568”, available at <https://electricitytransmissioncompetitioncoalition.org/missouri-legislature-makes-wise-decision-to-not-support-anti-consumer-rofr-bill-sb-568/> (last accessed Aug. 15, 2025); “Ameren Missouri Supports the Missouri First Transmission Act,” available at <https://www.powerforwardmo.com/news-posts/1/4/ameren-missouri-supports-the-missouri-first-transmission-act>. (last accessed Aug. 15, 2025).

¹¹ Fairport to Denny Project Report at iii, 8, 18-19 (describing Developer C and its tax-exempt municipal project partner).

¹² See [Mark Twain Transmission Project | Ameren Transmission - Ameren.com](#) (last accessed Aug. 15, 2025).

¹³ See *MISO Transmission Owners v. FERC*, 819 F.3d 329, 334 (7th Cir. 2016) (holding that FERC’s abrogation of the right of first refusal in the MISO Transmission Owners Agreement was lawful given FERC remedied “a contract in which the parties are seeking to protect themselves from competition from third parties” similar to “cartels”).

required by MISO's tariff would harm all consumers, including the ninety-plus members of ETCC. As noted in rejecting an Ameren-specific legislative preference: "Without competition, Ameren ratepayers will pay for these transmission projects at a much higher cost, putting corporate profits over consumers."¹⁴ ETCC's diverse membership has a particular, focused interest in this proceeding, ETCC's intervention is timely, and ETCC's interest cannot be represented by any other party. Accordingly, intervention is appropriate under Commission precedent.¹⁵

II. CONCLUSION

Consistent with Rule 212 of the Commission's Rules of Practice and Procedure, ETCC requests that the Commission grant its Motion to Intervene, with all rights attendant thereto.

Respectfully submitted,

/s/ Kenneth R. Stark

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¹⁴ *Supra*, note 4 (quoting August 16, 2023 Press Release from the Governor of Illinois).

¹⁵ *See DCR Transmission, L.L.C.*, 184 FERC ¶ 61,199 at P 38 (2023) (granting a prior ETCC intervention).

CERTIFICATE OF SERVICE

I hereby certify that I have this 15th day of August 2025 served or caused to serve the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

By: /s/ Kenneth R. Stark

Kenneth R. Stark
McNees Wallace & Nurick LLC