UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

New York Independent System Operator, Inc.	)	Docket No. ER26-2987-000

PROTEST OF
THE ELECTRICITY TRANSMISSION COMPETITION COALITION

On June 29, 2026,[1] the New York Independent System Operator, Inc. ("NYISO") filed its proposed Order No. 1920[2] Compliance. While appropriately addressing many of the requirements of Order No. 1920, NYISO's Filing fails to meet Commission requirements in several important respects. Importantly, NYISO's Filing seeks to inappropriately expand the Order No. 1920 definition of "right-sized replacement transmission facility" in direct conflict with paragraph 1703 of Order No. 1920."[3] In addition, NYISO's proposal defers to existing transmission owners in the declaration of "right-sizing" projects rather than making those determinations based on the Order No. 1920 mandated submission of facilities individual transmission owners declare are subject to end of operational life within ten years.

Pursuant to Rules 211 and 214 of the Commission's Rules of Practice and Procedures[4] the Electricity Transmission Competition Coalition ("ETCC") protests NYISO's Filing because the proposed Tariff Revisions do not strictly comply with Order No. 1920.

---

[1] New York Independent System Operator, Inc.'s Compliance Filing for Order Nos. 1920, 1920-A, and 1920-B; Conditional Request for Prospective Waivers; and Request for Extended Comment Period, Docket No. ER26-2987-000 (June 29, 2026)("NYISO Filing").
[2] *Bldg. for the Future Through Elec. Reg'l Transmission Plan. & Cost Allocation*, Order No. 1920, 89 Fed. Reg. 49,280 (2024)("Order No. 1920"), *order on reh'g & clarification*, Order No. 1920-A, 89 Fed. Reg. 97,174 (2024)("Order No. 1920-A"), *order on reh'g & clarification*, Order No. 1920-B, 90 Fed. Reg. 17,692 (April 28, 2025).
[3] Order No. 1920 at P 1679.
[4] 18 C.F.R. §§ 385.211, 385.214.

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 components 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 organizations representing residential, commercial, institutional, and industrial loads, ETCC has a vital interest in, to the greatest extent possible, unleashing competitive selection processes for the developer and owner of needed transmission to protect against ballooning transmission costs.

---

[5] *See* https://electricitytransmissioncompetitioncoalition.org/who-we-are/ (last accessed August 19, 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 19, 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 19, 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 accessed August 19, 2026).
[9] *Xcel Energy Services v. FERC*, 815 F.3d 947, 952-53 (D.C. Cir. 2016).

Given its diverse, ratepayer focused perspective from the largest electricity users to the smallest, during the current electricity affordability crisis, ETCC brings a critical voice to the Commission's regulatory determinations regarding transmission development. ETCC supports many of the Commission's efforts to increase transmission rate accountability, but remains steadfast that competition for the developer and owner of needed transmission remains the Commission's single greatest tool to ensure affordability to the highest extent possible. This Protest reflects that perspective.

II. BACKGROUND

A. The National Importance of New York

On Page 18 of NYISO's transmittal letter under "B. Selection of Competitive Transmission Projects in New York," NYISO specifically references the success related to competitive transmission in New York. NYISO states clearly:

> The NYISO, in coordination with the NYPSC, has enjoyed significant success in expanding transmission in New York through its Public Policy Process. Under this process, the NYPSC has identified transmission needs, and the NYISO has selected significant transmission expansions to address those needs in Western New York, Central New York, the Hudson Valley Region, and Long Island, which has resulted in benefits across the state.
>
> First, in 2015, the NYPSC identified a need for transmission in western New York to obtain the full output of the Niagara hydroelectric project and to accommodate imports from Ontario. In 2017, the NYISO Board selected the Empire State Line proposal from NextEra Energy Transmission New York, Inc. to address this need, which transmission line entered into service in June 2022.
>
> Second, in 2015, the NYPSC identified a need for transmission to increase transfer capability from central to eastern New York ("Segment A") and from the Albany region through the Hudson Valley region ("Segment B"). The NYISO selected a joint proposal by North American Transmission and the New York Power Authority ("NYPA") for Segment A in central New York, and a joint proposal by Niagara Mohawk Power Corporation d/b/a National Grid and New York Transco, LLC for Segment B in the Hudson Valley. The projects reduce total system electricity production costs, lower system capacity procurement costs, replace aging transmission infrastructure, improve system performance, reduce emissions, and add resilience and operating flexibility to the New York power grid. Both projects entered service in 2023.

> Lastly, in 2021, the NYPSC identified a need for transmission to deliver at least 3,000 MW of offshore wind from Long Island to the rest of the New York Control Area through a new tie line and associated transmission upgrades on Long Island. In June 2023, the NYISO Board selected a joint proposal by New York Transco LLC and NYPA as the more efficient or cost-effective transmission solution to address this transmission need.40 This selected project will also provide significant reliability benefits to southeast New York. It is currently under development and is expected to enter service in 2030.
>
> The selected Public Policy Transmission Projects represent the largest addition of transmission in New York in over 30 years.[10]

The ETCC sees New York and its transmission competition success of the Public Policy planning process – all competitive windows with the selected competitive projects representing the "largest addition of transmission in New York in over 30 years" – as precedent for the country, and ETCC has a significant stake in ensuring that the framework for competition remains robust in New York.

B. Order No. 1920 Background

In Order No. 1920, FERC concluded that general lack of long-term, forward-looking, and comprehensive regional transmission planning in existing tariffs results in inefficient transmission infrastructure that "renders Commission-jurisdictional regional transmission planning and cost allocation processes unjust and unreasonable" because it requires customers to forgoing projects with benefits in excess of costs and pay "more than is necessary or appropriate."[11] To address this deficiency, the Commission mandated a requirement for "Long-Term Regional Transmission Planning" with the expectation that it 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."[12]

---

[10] NYISO Filing at 18-19 (footnotes omitted)
[11] Order No. 1920 at P 112.
[12] Order No. 1920 at P 1.

As part of the newly required Long-Term Regional Transmission Planning process, the Commission added an incumbent preference for "right-sized replacement transmission facility" that the Commission defined as follows:

> 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.

In providing an incumbent preference for "right-sized replacement transmission facility" the Commission made it clear that regional right-sizing was limited in scope, restricting it as follows:

> 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.

Thus, the Commission made clear that "right-sizing" would encompass **only** an "existing transmission facility that a transmission provider *has identified in its in-kind replacement estimate* as needing to be replaced."[13]

[13] *Id*. (emphasis added). *See also* footnote 2044 of Order No. 1920-A for clarity on the exactness of the in-kind replacement estimate required. Footnote 2044 "*Id*. P 1703; *see infra*

Order No. 1920 provided additional important clarifications as to the limitations of right-sizing within the Long-Term Regional Transmission Planning Process.

> 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

---

Identifying Potential Opportunities to Right-Size Replacement Transmission Facilities section. The Commission defined 'in-kind replacement estimates' as '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 . . . .' Order No. 1920, 187 FERC ¶ 61,068 at P 1677. **We clarify that these estimates include, at minimum, identification of the transmission facilities themselves**." (emphasis added).

> 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] [14] 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 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.

The Commission also was clear in paragraph 1703 of Order No. 1920 that this right-sizing ROFR did not encompass "entirely new facilities."

> 1703. In adopting the NOPR proposal to require the establishment of a federal right of first refusal for a right-sized replacement transmission facility, we find that permitting a federal right of first refusal for right-sized replacement transmission facilities will encourage transmission providers to provide their best in-kind replacement estimates, because they will have certainty that they will not lose the opportunity to invest in any in-kind replacement transmission facility that is then selected as a right-sized replacement transmission facility. As such, we find that a federal right of first refusal will remove a disincentive for transmission providers to consider right-sizing in Long-Term Regional Transmission Planning, helping to ensure that the more efficient or cost-effective regional transmission solution to Long-Term Transmission Needs is selected and likely built, and therefore that Commission-jurisdictional rates are just and reasonable. **Moreover, we note that**

[14] 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.")

> **the definitions of "in-kind replacement transmission facility" and "right-sized replacement transmission facility"** that we adopt, as discussed above, are necessary to ensure that use of the right-sizing reform addresses replacement transmission facilities **and not entirely new transmission facilities.**

The topic of "entirely new facilities" has long been the focus of key past FERC orders on NYISO filings seeking to expand Order No. 1000 limitations on ROFRs.[15]

In 2020, NYISO filed a Petition for Declaratory Order seeking Commission guidance on the scope of the Commission definition of "upgrade" asserting that "the difference between an upgrade and an entirely new transmission facility is not always clear."[16] The Commission held that entirely new facilities are not Upgrades under FERC Order No. 1000. Specifically, the Commission held "[w]e agree with NYISO that, under the scenario NYISO provides, a new transmission facility that requires the retirement or decommissioning of a New York Transmission Owner's ("NYTO") existing transmission facility and that connects to the transmission system in a different configuration than the original facility would constitute an entirely new transmission facility, rather than an upgrade to an existing transmission facility."[17] The Declaratory Order related to "entirely new facilities" cannot be dismantled by this Order No. 1920 compliance filing; indeed, ETCC believes the NYISO Compliance disrupts those past orders by adding "entirely new transmission facilities" to their definition of "right-sized replacement transmission facility."

C. SPECIFIC AREAS OF SUPPORT

[15] *N.Y. Indep. Sys. Operator, Inc.,* 175 FERC ¶ 61,038 at P 39 (2021)("Declaratory Order").
[16] Declaratory Order at P 15.
[17] *Id*. at P 45.

In NYISO's Compliance Process, NYISO proposes that there should be qualification process for Order No. 1920 windows as well as requirements for winning competitive developers to sign the NYISO Designated Entity Agreement

- On page 63 of NYISO's Transmittal Letter, NYISO states: "Accordingly, the NYISO proposes to adopt for its Long-Term Transmission Planning Process the same requirements applicable to its other transmission planning processes for the NYISO to determine whether an interested entity is qualified to propose a Long-Term Transmission Project."
- On page 67 and pages 94-96 of NYISO's Transmittal Letter, The NYISO proposes to include a *pro forma* study agreement form that a Developer must execute when it submits a Long-Term Transmission Project or an Other Long-Term Project in the Long-Term Transmission Selection Process, which agreement is located in Section 31.15 (Appendix L) of Attachment Y. The study agreement addresses the Developer's cost responsibility for the NYISO's review of the project information, its evaluation of the proposed solution, and, if the transmission project is selected, the NYISO's development of the Development Agreement and appendices for the selected project. The NYISO also proposes to include a *pro forma* study agreement form that a Designated Entity, other than the sponsoring Developer, must execute within 30 days of the NYISO's posting of the final list designating the components of the selected project, which agreement is located in Section 31.16 (Appendix M) of Attachment Y. This study agreement addresses the Designated Entity's cost responsibility for the NYISO's development of the Development Agreement and appendices for its portion of the project. The two study agreement forms are consistent with the study agreement forms for the NYISO's other transmission planning processes, as modified to account for the scope of work and to be consistent.
- On page 67 of NYISO's Transmittal Letter, the NYISO proposes to require that a Developer provide the same project information concerning its proposed Long-Term Transmission Project as it requires for proposed Public Policy Transmission Projects under its Public Policy Process, with certain additional information required to address the Order No. 1920 directives as described below.

ETCC does not oppose these requirements and supports the common-sense approaches that NYISO has taken toward growing and learning from each of their competitive processes on the Public Policy Planning side and applying this learning to the Order No. 1920 Long Term planning windows. NYISO's past competitive windows with the selected competitive projects represent the "largest addition of transmission in New York in over 30 years" and NYISO is right to continue to incorporate and improve their competitive processes. ETCC supports the strong accountability that competitive processes drive, including the execution of accountability agreements like the NYISO Development Agreement

D. STANDARD OF REVIEW ON COMPLIANCE

Although several challenges to the Final Rule are pending before the Fourth Circuit Court of Appeals ("Fourth Circuit"),[18] ETCC appreciates that NYISO is under a directive to comply with Order No. 1920. ETCC and other parties have specifically asked for court review of the Commission's right-sized replacement transmission facility right-of-first-refusal mandated by Order No. 1920,[19] 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.

This Protest does not re-litigate paragraphs 1693-1709 of Order No. 1920; rather ETCC seeks NYISO'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.[20] Unlike instances where the Commission may direct the utility on compliance to make further proposals,[21] the Commission did

[18] Oral argument scheduled for September 15, 2026.

[19] 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*).

[20] *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").

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

not provide for such discretion as to the definition and limitation of the right-sizing preference requirements in Order No. 1920. A reviewing court will 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.[22]

With this background in mind, ETCC organizes this protest around the specific paragraphs and definitions in Order No. 1920 to demonstrate that NYISO's Filing is not in compliance with Order No. 1920. The right-sizing provisions in NYISO's Compliance Filing constitute matters that significantly affect rates.[23] As a result, NYISO's full compliance with Order No. 1920's limited right-sizing preference must be reflected in the tariff that is on file with the Commission, and not left to NYISO's or the NYPSC's discretion.[24] Because NYISO's 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.

---

[22] *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).

[23] *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).

[24] *See also* footnote 282 of the NYISO Filing where NYISO notes the need for changes in other Tariff provisions "to clarify that the applications in the transmission and in the interconnection processes must include for the Long-Term Transmission Project the same transmission facilities, including Long-Term Transmission Upgrades and Right-Sized Replacement Transmission Facilities."

III. PROTEST

A. NYISO Fails to Comply with the Definition of Right-Sized Replacement Facility in Order No. 1920 And Significantly Expands The New ROFR Into "Entirely New Transmission Facilities" In Conflict With Order No. 1920

NYISO's filing must be rejected on the basis of its failure to exactly comply with the Order No. 1920 Definition of Right-Sized Replacement Transmission Facility. NYISO proposes to add in Section 31.1.1 of their red-lined Attachment Y OATT a new definition of Right-Sized Replacement Transmission Facility.

> **Right Sized Replacement Transmission Facility**: A new transmission facility, ***including an entirely new transmission facility***, that: (1) would meet the need to replace an existing transmission facility that a Transmission Owner has identified in its In-Kind Replacement List as set forth in Section 31.6.6.4 of this Attachment Y 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 Owner has identified for replacement in its In-Kind Replacement List; 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 Owner has identified for replacement in its In-Kind Replacement List; 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 Owner has identified for replacement in its In-Kind Replacement List. The term "incidental increase" shall have the meaning set forth in Section 31.6.6.4.1".

NYISO's proposed addition significantly expands the Order No. 1920 definition of Right-Sized Replacement Facility in paragraph 1679:

> 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.

NYISO adds a new, non-compliant phrase to its definition, expanding the new ROFR scope. Specifically, NYISO adds the phrase "including an entirely new transmission facility" to its definition, in direct conflict with Paragraph 1703 in Order No. 1920 where the Commission specifically stated there that "**<u>Moreover, we note that the definitions of "in-kind replacement transmission facility" and "right-sized replacement transmission facility"</u>** that we adopt, as discussed above, are necessary to ensure that use of the right-sizing reform addresses replacement transmission facilities **<u>and not entirely new transmission facilities</u>.**"

NYISO argues that it proposes the phrase "'including an entirely new transmission facility' to make clear that any transmission facility that meets the definition of a Right-Sized Replacement Transmission Facility is subject to a ROFR, which for Right-Sized Replacement Transmission Facilities is not limited to upgrades to an existing transmission facility."[25] NYISO's explanation for the unnecessary addition provides no support for the extra phrase. Under the sponsorship model, a right-sized replacement transmission facility is limited to facilities that "right-size" only an in-kind replacement facility. A long-term project that proposes to retire an existing facility that is not on the list of proposed in-kind replacement facilities, would not be an upgrade or a "right-size replacement facility" under Order No. 1920 and would be an entirely new transmission facility for which no ROFR exists under Order No. 1000 or Order No. 1920. There is no confusion as to the limited scope of the Commission's right-sizing ROFR without the additional phrase and the additional phrase will add confusion. The Commission should reject NYISO's proposed addition.

[25] NYISO Filing at 120.

This is a serious expansion that is not only in direct conflict with Order No. 1920, but also undermines specific past Commission orders related specifically to NYISO and the definition of "entirely new transmission facility." The Order No. 1000 "Upgrade" definition precedent that Upgrades are not entirely new transmission facilities[26] must continue to apply, including the applicability of past Commission orders related to the difference between Upgrades and entirely new transmission facilities. For instance, regardless of the new Right Sizing ROFR under Order No. 1920, paragraph 45 of the Commission's April 15, 2021, Order on NYISO Petition for Declaratory Order in Docket EL20-65-000 still applies in the existing NYISO Order No. 1000 regional transmission planning process, along with the entirety of the Declaratory Order:

> 45. We grant NYISO's request and find that the scenario in which a new transmission facility, that would require the retirement or decommissioning of a NYTO's existing transmission facility and that connects to the transmission system in a different configuration than the original facility, would constitute a new transmission facility, rather than an upgrade. In Order No. 1000-A, the Commission stated that 'the term upgrades does not refer to an entirely new transmission facility.' The Commission has also "specifically limited what new transmission facilities replacing existing transmission facilities may qualify as upgrades, and, in doing so, required that an upgrade cannot include the replacement of an entire transmission facility rather than the replacement of a part of an existing transmission facility.'97 However, as NYISO asserts, the Commission's MISO precedent does not clearly address the scenario in which a developer is proposing to retire or remove an existing transmission facility to build a new transmission line that connects to the transmission system in a different configuration than the original transmission facility. **We agree with NYISO that, under the scenario NYISO provides, a new transmission facility that requires the retirement or decommissioning of a NYTO's existing transmission facility and that connects to the transmission system in a different configuration than the original facility would constitute an entirely new transmission facility, rather than an upgrade to an existing transmission facility.** We base this finding on the specific facts NYISO presents, which are that the new transmission facility would connect to the transmission system in a different configuration (i.e., connect to different buses and/or substations), result in a different power

[26] *See* Section 31.1.10.4 of NYISO Tariff, where specifically it states "For purposes of Section 31.1.10.4, the term "upgrade" shall refer to an improvement to, addition to, or replacement of a part of, an existing transmission facility and shall not refer to an entirely new transmission facility."

> flow, increase voltage/transfer capability, and perform different transmission functions on the bulk power system as compared to the existing transmission line that was retired.98
>
> Footnote 97: "N.Y. Indep. Sys. Operator, Inc., 151 FERC ¶ 61,040, at P 96 (2015) (citing Midwest Indep. Transmission Sys. Operator, Inc., 147 FERC ¶ 61,127 at P 238) (emphasis added)."
>
> Footnote 98: "Petition at 19-20."[27]

NYISO's filing provides inadequate protection ensuring compliance with Paragraph 45 in the NYISO Order No. 1000 process related to entirely new transmission facilities[28] and its definition, and instead, by adding the phrase "including entirely new transmission facilities", they undermine both Commission precedent in NYISO and conflicts with Order No. 1920 itself. The Commission should require that NYISO strike the language as non-compliant with Order No. 1920. Specifically, the following should be struck from NYISO's proposed definition: "Right Sized Replacement Transmission Facility: A new transmission facility, ~~including an entirely new transmission facility,~~ that:"

In addition, with the removal of the offending phrase, NYISO has no need for Proposed OATT Attachment Y, Paragraph 31.6.6.4.2. NYISO asserts that the addition is necessary to avoid disputes,[29] but as noted above, it is NYISO's addition of the phrase "including an entirely new transmission facility" that causes confusion and the addition of Paragraph 31.6.6.4.2 is not an adequate substitute for removal of the phrase entirely. NYISO proposes to add: "31.6.6.4.2 The use of the term 'new transmission facility' in the definitions of In-Kind Replacement

[27] Declaratory Order at P 45.
[28] Proposed OATT Attachment Y, Paragraph 31.6.6.4.2 is not adequate even as described in pages 121-122 of the NYISO Compliance Transmittal Letter. It states: "31.6.6.4.2 The use of the term "new transmission facility" in the definitions of In-Kind Replacement Transmission Facilities and Right-Sized Replacement Transmission Facilities in Section 31.1.1 of this Attachment Y and this Section 31.6.6.4 will not be the basis for the ISO's determination of whether a transmission facility is an "entirely new transmission facility" or an "upgrade" pursuant to Section 31.1.10.4." However, there is no specificity on what this means.
[29] NYISO Filing 121-122.

Transmission Facilities and Right-Sized Replacement Transmission Facilities in Section 31.1.1 of this Attachment Y and this Section 31.6.6.4 will not be the basis for the ISO's determination of whether a transmission facility is an 'entirely new transmission facility' or an 'upgrade' pursuant to Section 31.1.10.4."[30] There is no specificity on what this addition means in practice or how it avoids disputes.

B. NYISO Proposes To Expand The Right-Sizing ROFR Into Other NYISO Processes And Offers No ROFR Expansion Protection Consistent With Order No. 1920-A At Paragraph 892

On rehearing in Order No. 1920-A at paragraph 892, 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*. The Commission further affirmed that 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."[31]

ETCC protests and is concerned that NYISO's proposal, including the definition of Right Sized Replacement Transmission Facilities as discussed above, is too broad for the application of the new federal right of first refusal.

- See Footnote 282 of NYISO Transmittal Letter. 282. *Id.* § 31.6.9.3.4. The NYISO proposes to supplement its existing requirements to clarify that the applications in the transmission and in the interconnection processes must include for the Long-Term Transmission Project the same transmission facilities, including Long-Term Transmission Upgrades and **Right-Sized Replacement Transmission Facilities**. *Id.* § 31.6.9.3.4. This is to ensure the same projects are being studied in the parallel processes.

[30] Cite to NYSIO Filing?
[31] Order No. 1920-A at P 892.

ETCC notes that NYISO's filing does not protect against the parallel processes merging and misapplying a ROFR in Order No. 1000 processes. Given the potential for integration of long-term Order No. 1000 and Long Term planning processes, there is no protecting language in the NYISO Compliance Filing consistent with Paragraph 892 of Order No. 1920-A that: "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." ETCC notes that Order No. 1920 is clear that this clarity also needs to be in the Tariff, not Business Practice Manuals.

C. Any Use Of The Right-Sizing ROFR Must Be For In-Kind Replacements Actually Identified In The 10 Year Plan

In Order No. 1920, FERC required the transmission owner to submit to the transmission provider (*i.e.,* NYISO) its list of in-kind replacements in the 10-year horizon. The regional planner (*i.e.,* NYISO) determines the right-sized replacement facilities after evaluating all alternatives to meeting regional needs. Yet, NYISO did not propose any Tariff language to incorporate this 10-year plan. Therefore, the Commission should also direct NYISO 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" 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 NYISO'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.

Currently, NYISO's Attachment Y, Paragraph 31.6.6.4 proposal does not limit the Right-Sizing ROFR to facilities identified in an individual transmission owner's 10 year look ahead retirement plan, rather, last-minute decisions are afforded a ROFR in conflict with the Long-Term Transmission Need definition in Order No. 1920. *See* Attachment Y, Paragraph 31.6.6.4 as submitted:

> The ISO shall post on its website the In-Kind Replacement List submitted by a Transmission Owner, subject to any Critical Energy Infrastructure Information restrictions or requirements. At **any time** prior to the ISO's solicitation of proposed Long-Term Transmission Projects pursuant to Section 31.6.9.3.2, a Transmission Owner: (i) may provide the ISO for posting on the ISO's website with an update to its In-Kind Replacement List solely for purposes of updating the information concerning the In-Kind Replacement Transmission Facilities that were included in the list provided by the Transmission Owner for that planning cycle, and (ii) may present at an ISO stakeholder meeting for informational purposes one or more right-sizing opportunities for In-Kind Replacement Transmission Facilities identified by that Transmission Owner for its system.

NYISO should be required to provide a clarifying sentence that if a replacement project is not identified in the 10-year plan, it is not afforded a ROFR. Such inclusion would capture the requirement that the ROFR would only apply if the replacement facility is actually identified in the 10-year plan, consistent with Paragraph 1677 of Order No. 1920.

In addition, the Commission should reject NYISO's proposal to allow individual transmission owners to lower, at their discretion, the voltage for in-kind replacement below 200 kV. Proposed Section 31.6.6.4 provides that an In-Kind replacement is a facility "operating at or above 200 kV, or a transmission facility operating at a lower kV level *at a Transmission Owner's discretion* . . ..." While ETCC does not oppose a lower voltage on a NYISO-wide basis, allowing an individual transmission owner to establish the in-kind replacement voltage on an ad hoc basis would lead to gaming of the right-sizing ROFR, particularly given Order No. 1920's allowance of a right-sizing ROFR in the "same general route" as an existing facility. The long-term need for a 500 kV transmission facility is not "right-sizing" a 69 kV transmission line due for replacement. Individual transmission owners should not be permitted "at a Transmission Owners discretion" to lower the region-wide voltage threshold.

D. FERC has Exclusive Authority over Transmission Planning; NYISO's Compliance Filing Undermines FERC's Exclusive Authority

NYISO proposes deferral to the New York Public Service Commission ("NYPSC") in the determination of whether there are long term regional needs to be addressed in the Order No. 1920 complaint long term regional planning process.[32] The Commission rejected NYISO's similar proposal to defer to the NYPSC with regard to Order No. 1000 regional planning.[33] The Commission should likewise reject the deference request here as regional planning is exclusively FERC jurisdictional.[34]

NYISO's Filing is to comply with the Commission's directive to plan on a long-term bases only if the NYPSC directs it to do so. Specifically, Section 31.6.8.1 provides "The NYPSC will review the Catalog of Transmission Expansion Opportunities identified in the Outlook and, with input from the ISO and interested parties, identify from the Catalog of Transmission Expansion Opportunities the Long-Term Transmission Needs, if any, for which

---

[32] NYISO Filing at 24.
[33] *New York Independent System Operator, Inc.*, 143 FERC ¶ 61,059 (2013) at P 77.
[34] *New York v. FERC*, 535 U.S. 1 (2002); *S. C. Pub. Serv. Auth. v. FERC*, 762 F.3d 41 (D.C. Cir. 2014).

specific transmission solutions should be requested and evaluated by the ISO in the Long-Term Transmission Planning Process."[35] NYISO's proposal goes on to defer to the NYPSC by providing:

> The NYPSC shall issue an order that identifies the Long-Term Transmission Need(s) or elects not to identify any Long-Term Transmission Needs and that explains why it has identified the Long-Term Transmission Need(s) for which transmission solutions will be requested by the ISO. NYPSC's order may also provide: (i) additional criteria for the evaluation of transmission solutions and non-transmission projects, (ii) the required timeframe, if any, for completion of the proposed solution, and (iii) the type of analyses that it will request from the ISO.[36]

Finally, NYISO proposes that if the NYPSC does not act, NYISO will not act: "If the NYPSC does not issue an order consistent with this Section 31.6.8.1 that identifies the Long-Term Transmission Need(s) for the Long-Term Transmission Planning Process cycle within 180 calendar days of the ISO's submission of the Outlook to the NYPSC, *then the ISO shall not commence the process in Section 31.6.9 to request solutions to Long-Term Transmission Need(s) and shall conclude the Long-Term Transmission Planning Process cycle*."[37]

Confirming that NYISO is proposing state directed planning rather than Commission jurisdictional planning is NYISO's proposal as to where disputes regarding the long-term planning are to be heard. NYISO proposes:

> **31.6.8.3 Disputes of NYPSC Determinations**
>
> In the event that a dispute is raised solely within the NYPSC's jurisdiction relating to any NYPSC decision to either accept or deny a proposed transmission need as one for which transmission solutions should be requested, the dispute shall be addressed through judicial review in the courts of the State of New York pursuant to Article 78 of the New York Civil Practice Law and Rules.

---

[35] OATT Section 31.6.8.1 (proposed) at NYISO Filing pdf page 488.
[36] *Id*. at pdf page 489.
[37] *Id*.

While ETCC fully supports the NYPSC's engagement and direction on the long-term planning needs for New York, as well as the numerous other New York agencies planning a role in New York's energy future, the NYISO must nevertheless make ultimate decisions on Commission jurisdictional matters. The Commission addressed this very point related to Order No. 1000 compliance, rejecting NYISO's proposal to defer to NYISO reliability determinations, holding:

> Thus, NYISO does not determine which transmission facility is selected in the regional transmission plan for purposes of cost allocation and, instead, relies on the New York Public Service Commission for that determination. We find that this proposal does not comply with the requirement that NYISO select in the regional transmission plan for purposes of cost allocation the more efficient or cost-effective transmission solutions from among competing projects in the reliability planning process.[38]

While the NYPSC has played a greater role in the determination of Public Policy needs for purposes of NYISO's planning process, the Long-Term Planning mandate goes well beyond merely looking at Public Policy determinations. As such, the NYISO should make determinations of Long-Term Transmission Planning needs based on the Commission mandated criteria, **not deference to the NYPSC.**

E. NYISO's Proposal Defers To Existing Transmission Owners In The Declaration Of "Right-Sizing" Projects Rather Than Making Those Determinations Based On The Order No. 1920 Mandated Submission Of Facilities Individual Transmission Owners Declare Are Subject To End Of Operational Life Within Ten Years

Page 29 of NYISO's Transmittal Letter states:

> Consistent with the NYISO's sponsorship model, a Developer may propose Right-Sized Replacement Transmission Facilities that right-size an In-Kind Replacement Transmission Facility as, or as a part of, its proposed Long-Term Transmission Project to address a Long-Term Transmission Need. The NYISO will evaluate Long-Term Transmission Projects that are, or include, a Right-Sized Replacement

[38] *New York Independent System Operator, Inc.*, 143 FERC ¶ 61,059 (2013) at P 77.

> Transmission Facility in the same manner as other proposed transmission projects. A proposed Right-Sized Replacement Transmission Facility will be subject to a ROFR for the Transmission Owner which in-kind facility is being replaced. The Transmission Owner will be the Designated Entity responsible for the Right-Sized Replacement Transmission Facility if it is, or is a part of, the selected Long-Term Transmission Project, unless the Transmission Owner notifies the NYISO within a prescribed time period that it does not intend to serve as the Designated Entity for the facility.

Also, on Page 119 of the NYISO Transmittal Letter, it is not clear whether NYISO will re-classify Right-Sized Replacement Transmission Facility designations proposed by Developers under Proposed OATT Attachment Y, Paragraph 31.6.9.5.1.1 (3). On Page 119, NYISO states:

> As described above and in the Lin Affidavit, under its sponsorship model, the NYISO does not design projects or project components, nor does it supplement or modify Developers' proposals. Instead, Developers are responsible for developing and proposing their transmission solutions for the NYISO's evaluation of the more efficient or cost-effective transmission solution. Consistent with this model, the NYISO proposes to establish that a Developer may include a Right-Sized Replacement Transmission Facility as, or as a component of, its proposed Long-Term Transmission Project.602
>
> Footnote 602: "Proposed OATT Attach. Y § 31.6.9.5.1.1(3)."[39]

This appears to stand in stark contrast to the approach under Voluntary Agreements, as on page 125 of the NYISO Transmittal Letter and Proposed OATT Attachment Y, Paragraph 31.6.9.5.1.9.3, NYISO confirms in its OATT:

> Second, if as part of the NYISO's review of Developer's classification of the transmission facilities that are part of its proposed Long-Term Transmission Project (i.e., new transmission facility, Long-Term Transmission Upgrade, or Right-Sized Replacement Transmission Facility), the NYISO determines that a transmission facility must be classified differently than included in Developer's project submission, the Developer will have a 30-day period following this revised classification to update the information it submitted concerning its Voluntary Funding Arrangement.625 This will enable the Developer to review whether the change in classification to the transmission facilities impacts the scope and application of its proposed Voluntary Funding Arrangement.

[39] NYISO Filing at 119. and this is of compliance concern to ETCC. (NEEDS ETCC REVIEW)

It is critical from an ETCC standpoint that NYISO, not Developers, have firm determination over the classification and evaluation of proposals, and NYISO should indeed re-classify projects that do not comply with Order No. 1920 definitions. There should be clear explicit language in the Tariff revisions that NYISO has exclusive control over making the final determinations on whether projects are eligible for the Right Sizing Project definition and any resulting ROFR, and indeed, can re-classify to comply with the limitations of Order No. 1920. It is NYISO that has the Order No. 1920 compliance obligation and NYISO must ensure that it is making this final call, not Developers.

As noted above, this includes NYISO making the final call as between NYISO and the NYPSC, as NYISO's Filing seems to infer that NYPSC can also make modifications to proposals that may impact whether a Right-Sizing component is included. Specifically, NYISO lists a series of actions that NYISO may take if "if the NYPSC were to issue an order that modifies an NYPSC-identified Long-Term Transmission Need,"[40] during a solicitation process. Among the potential actions NYISO proposes "re-start the Long-Term Transmission Selection Process and re-solicit solutions to address the modified Long-Term Transmission Need." ETCC is concerned with any modifications that can result in a right-sizing ROFR where one did not previously exist as ROFR's of any kind deprive transmission customers of the benefits of competition. After proposals are submitted, modifications to needs can raise the appearance of favoritism or gaming. The regional planning process only works if it is beyond reproach.

F. NYISO Filing Does Not Ensure Compliance with Paragraph 1680 of Order No. 1920

[40] NYISO Filing at 59.

Importantly to ETCC, NYISO does not explain in enough detail 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 purposes of the requirements of this final rule, only Segment 1 would be considered a right-sized replacement transmission facility.

NYISO'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. In addition, ETCC views that the burden on making this segmentation is on NYISO, not the NYPSC or NYTOs.

In addition, NYISO proposes to treat projects differently depending on the entity that proposed the project. As reflected in footnote 413 of NYISO's Filing, if an incumbent transmission owner proposed both segments above, they would be treated as a single project and designated to the transmission owner, whereas if a non-incumbent developer proposes both segments, they would be treated as separate projects. NYISO states "[t]he NYISO will group components into Designated Long-Term Transmission Projects based on the entity that will be responsible for developing, constructing, financing, owning, operating, and maintaining the facility(ies)."[41] Because the designation of the "draft" plan under Section 31.6.11.2.3 occurs prior to Board approval of the selection, the designation of the preferred project should not

---

[41] NYISO Filing at 85-86, footnote 413 referencing OATT Section 31.6.11.2.3.

differentiate how identical proposals are presented to the Board based on the entity that submitted the proposal.

G. The Right Sizing ROFR provisions and prospective "waivers from Order No. 1920" should not be applied to the Right Sizing ROFR Provisions

On page 159 of the NYISO Filing, NYISO appears to ask for a blanket prospective waiver, irrespective of the Commission's order, on Order No. 1920 requirements. NYISO notes:

> As described above, the NYISO intends to begin implementing the tariff revisions in this compliance filing in August 2026. The includes commencing its proposed process for soliciting factors and data inputs prior to the start date of its first Long-Term Transmission Planning Process cycle, so that the NYISO can commence the first planning cycle no later than June 1, 2027. In addition, the NYISO intends to identify Interconnection-Related Transmission Needs for purposes of its next planning cycle of the Public Policy Process, which commences in August 2026. Finally, the NYISO intends to commence in September 2026 the annual Transmission Owner updates to their Local Transmission Owner Plans applying the new meeting, posting, and comment requirements.
>
> This approach will allow the NYISO to immediately begin applying the reforms adopted in response to Order No. 1920. **Accordingly, the NYISO is requesting an effective date of August 1, 2026, for all of the tariff modifications submitted herein**, with the exception of a September 15, 2026 effective date for the local transmission planning rules. **However, because the Commission will presumably issue an order on this compliance filing after those dates, the NYISO respectfully requests any needed prospective waivers in the event that the Commission sets a later effective date or requires modification to elements of this filing that might invalidate actions taken by the NYISO between the requested effective date and whenever the NYISO is able to respond to a Commission order addressing this filing. Specifically, the NYISO requests waivers of any of the new tariff requirements concerning the implementation of the new Long-Term Transmission Planning Process, the local transmission planning requirements, and the Interconnection-Related Transmission Need requirements that might otherwise limit the NYISO's ability to perform these requirements**.[42]

[42] NYISO Filing at 159-160 (emphasis added).

ETCC strongly protests that the Right Sizing ROFR provisions be "in effect" in NYISO Long-Term Transmission planning processes PRIOR to the Commission reviewing and issuing a final order on the NYISO Compliance Filing. The Commission's prior notice requirement is an important ratepayer protection. Here, where the issue is compliance with Commission directives

IV. CONCLUSION

NYISO's Compliance Filing fails to meaningfully address and incorporate the directives, plain language, and the principles underlying Orders 1920, 1920-A, and 1920-B. Therefore, the Commission must reject and direct NYISO 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 ensuring just and reasonable rates. The Commission must reject NYISO's Compliance Filing and require tariff revisions that are compliant with Order No. 1920

Respectfully submitted,

/s/ Rebecca Kimmel

Kenneth R. Stark
Rebecca Kimmel
McNees Wallace & Nurick LLC
100 Pine Street
Harrisburg, PA 17101
Telephone: (717) 237-8000
kstark@mcneeslaw.com
rkimmel@mcneeslaw.com

/s/ Michael R. Englemanl

Michael R. Engleman
Engleman Fallon, PLLC
1717 K St., N.W. Suite 900
Washington, D.C. 20006
Telephone: (202) 464-1330

mengleman@efenergylaw.com

Counsel to the Electricity Transmission Competition Coalition

Date: August 19, 2026

Privileged & Confidential DRAFT

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 19th day of August, 2026.

/s/*Rebecca Kimmel*

Counsel to the Electricity Transmission Competition Coalition