FOR IMMEDIATE RELEASE
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RELEASE: Petitioner ETCC's Statement Before the Fourth Circuit Over FERC's Order 1920 Transmission Monopoly Carve-Out

RICHMOND, Va. — *September 15th, 2026,* The U.S. Court of Appeals for the Fourth Circuit today heard oral arguments in the consolidated challenge to Federal Energy Regulatory Commission (FERC) Order No. 1920, including whether FERC lawfully created a new federal "right of first refusal (ROFR)" that lets incumbent utilities rebuild and expand aging transmission lines without competitive bidding. The Electricity Transmission Competition Coalition (ETCC) is a petitioner in the case.

"FERC's attempt under Order 1920 to bestow monopoly rights on incumbents to upgrade the nation's transmission system violates the Federal Power Act. Even if the court finds that FERC has authority to grant incumbents monopoly rights, FERC violated Section 206 of the Federal Power Act and the APA in exercising that authority." **Said Chair Paul Cicio, Chair of the Electricity Transmission Competition Coalition.** "The monopoly carveout in Order 1920 is a multi-billion dollar loophole that will drive up electricity costs for ratepayers. Competition is the most effective tool we have to drive down transmission costs, and the record proves it: when transmission projects have been opened to bidding, competition reduced costs by an average of 30% for consumers."

Order No. 1920, issued in May 2024, sets new requirements for how regional grid operators plan and pay for transmission over a 20-year horizon. Among other provisions, the rule requires utilities to identify aging power lines that could be replaced with higher-capacity lines. However, it also gives the existing incumbent utilities monopolistic privileges to build those projects without competition from other developers.

This carve-out is an exception to FERC's Order No. 1000, which in 2011 eliminated incumbent utilities' federal ROFR laws for regional transmission projects and opened them to competitive bidding. Amid an affordability crisis, it is essential that our judicial process upholds the law and protects ratepayers from monopolistic interpretations that only protect utility profits.

ETCC sought a rehearing of the provision in June 2024. FERC left it in place in its subsequent rehearing orders, Order Nos. 1920-A and 1920-B.

About the Electricity Transmission Competition Coalition

The Electricity Transmission Competition Coalition (ETCC) is a broad-based, nation-wide coalition committed to increasing competition in America's electricity transmission infrastructure. We advocate for common-sense policies and solutions that result in competitively priced transmission projects, which reduce energy costs for all ratepayers – from large manufacturers to residential consumers. The ETCC represents a diverse group of 95 companies and organizations from all 50 states, including manufacturing groups, retail electric consumers, state consumer advocates, think tanks, and non-incumbent transmission developers.

For more information, visit: www.electricitytransmissioncompetitioncoalition.org.

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