PUBLIC VERSION

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

The Electricity Transmission Competition Coalition, and The Industrial Energy Consumers of America, and Complainants	)	
v.	)	Docket No. EL27-_____
Southwest Power Pool, Inc. Respondent	)	

Expedited Consideration and Fast Track Processing Requested

COMPLAINT OF CONSUMERS AND COMPETITION PROPONENTS AGAINST SOUTHWEST POWER POOL, INC. DUE TO TARIFF VIOLATIONS THROUGH THE DESIGNATION OF SHORT-TERM RELIABILITY PROJECTS IN THE 2025 TRANSMISSION PLAN

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Date: October 28, 2026

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Pursuant to Sections 206, 306, and 309 of the Federal Power Act ("FPA")[1] and Rule 206 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission ("FERC" or the "Commission"),[2] the Electricity Transmission Competition Coalition ("ETCC") and the Industrial Energy Consumers of America ("IECA") (collectively, "Complainants") submit this Complaint against Southwest Power Pool, Inc. ("SPP") and the SPP Board of Directors ("Board") for violating Attachment Y, Section I.3 of the SPP Open Access Transmission Tariff ("OATT" or "Tariff").[3] Complainants herein demonstrate that the SPP Board violated SPP's Tariff on February 3, 2026 by designating four projects ("Four Projects"),[4] expected to cost $3.8 billion and not

[1] 16 U.S.C. §§ 824e, 825e, and 825h.

[2] 18 C.F.R. § 385.206.

[3] *See* SPP Tariff, Attachment Y.

[4] Crawfish Draw – Phantom 765 kV New Line, Crosstown –Blue Valley Station 161 kV New Line, North Hays – Chetolah Creek 115 kV New Line, Seminole – Southwest Shreveport 765 kV New Line (hereinafter, collectively "Four Projects").

projected to be available until 2029-2030, as **Short-Term Reliability Projects** under the 2025 Integrated Transmission Planning ("ITP") portfolio. The evidence in this Complaint and supporting affidavits[5] demonstrates that SPP's designation of the exemption for immediate need reliability projects is unjust, unreasonable, and unduly discriminatory or preferential because SPP does not adequately show the Four Projects, including two which will provide service at 765 kilovolts ("kV"), are "required to be in service within three years or less to address an identified reliability violation."[6] SPP failed to explain "[t]he circumstances that generated the immediate reliability need" and failed to provide "an explanation of why that immediate reliability need was not identified earlier."[7] SPP failed to provide explanations of non-transmission solutions considered.[8] And SPP and its Board have not supported the Short-Term Reliability Project determinations with transparency and sufficient documentation, "to allow stakeholders to understand the need and why it is time sensitive."[9] **Consistent with FERC's statutory duty to ensure just and reasonable rates and its mission to ensure energy affordability, the Commission must act now to prevent consumers in SPP from paying millions of dollars in excess charges for transmission in both in the near- and long-term.**

Section 206(a) of the Federal Power Act ensures "the protection of the public interest, as distinguished from the private interests of the utilities."[10] Commission regulations implementing Section 206[11] provide that "[a]ny person may file a complaint seeking Commission action against

[5] *See* Complainant Exhibit Nos. A (Direct Testimony and Exhibits of Jay Caspary), B (Direct Testimony and Exhibits of Rao Konidena), and C (Direct Testimony and Exhibits of Richard Allen).

[6] SPP Tariff, Attachment Y, Section I.3.

[7] SPP Tariff, Attachment Y, Section I.3(b)(ii).

[8] SPP Tariff, Attachment Y, Section I.3(b)(i).

[9] SPP Tariff, Attachment Y, Section I.3(a)

[10] *FPC v. Sierra Pacific Power Co.*, 350 U.S. 348, 355 (1956).

[11] 18 CFR § 385.206.

any other person alleged to be in contravention or violation of any statute, rule, **order**, or other law administered by the Commission, **or for any other alleged wrong over which the Commission may have jurisdiction.**"[12] The Commission reviews tariff violations under section 206 of the FPA.[13] Therefore, Complainants respectfully request that FERC: (1) find that SPP and the Board violated the Tariff; (2) and direct SPP to comply with the Tariff, including through necessary revisions to the 2025 ITP portfolio to ensure that SPP expeditiously initiates the Transmission Owner Selection Process to competitively select Designated Transmission Owners for the Four Projects. The Commission must direct SPP to reevaluate the Short-Term Reliability Project designation of the Four Projects classified under the 2025 ITP portfolio and issue any and all additional relief necessary to ensure that SPP complies with its Tariff on a going forward-basis and only uses the Short-Term Reliability Project designation in "limited circumstances," as required by this Commission's precedent and prior directives.[14] Complainants respectfully request expedited processing of this Complaint to ensure the timely development of necessary transmission in a cost-effective manner.

I. SUMMARY OF COMPLAINT

SPP violated Attachment Y, Section I.3 of the SPP Tariff through SPP's application of the "short-term reliability" exemption ("Short-Term Reliability Project Exemption") based on the

[12] 18 CFR § 385.206(a) (emphasis added).

[13] *Shetek Wind Inc., Jeffers South, LLC and Allco Renewable Energy Limited v. Midwest Independent Transmission System Operator, Inc.*, 138 F.E.R.C. P61,250 (2012) at PP 1, 82 (finding that MISO violated its Tariff in its interconnection studies of certain projects as the projects were "processed improperly because, as discussed previously, MISO's Tariff does not permit interconnection customers to be processed pursuant to that policy."); *City of Anaheim v. Cal. Indep. Sys.*, 94 F.E.R.C. P61,268 (2001) at 61,934 (granting a complaint under section 206 asserting that tariff violation by the California Independent System Operator or CAISO).

[14] *Sw. Power Pool, Inc. et al*, 144 FERC ¶ 61,059 at P 195 (2013) ("We agree that it may be acceptable, **in limited circumstances**, for SPP to assign a limited category of projects to an incumbent transmission owner if such projects are needed to address an identified reliability violation and are shown to be time-sensitive") (hereinafter "SPP First Compliance Order") (emphasis added).

findings and recommendations in the 2025 Integrated Transmission Planning Assessment Short-Term Reliability Projects Report ("2025 STRP Report").[15] The 2025 STRP Report designated the below projects as Short-Term Reliability Projects, meaning SPP identified a reliability need requiring a transmission upgrade "**required to be in service** within 3 years or less to address an identified reliability violation."[16]

Figure 1 Short-Term Reliability Project Data[17]

PROJECT NAME	NEED DATE	FROM AREA	TO AREA	PROJECT COST	MILES
Crawfish Draw - Phantom 765 kV New Line	6/1/2026	Texas Panhandle	Southeast New Mexico	$1,366,342,010	239
Crosstown - Blue Valley Station 161 kV New Line	6/1/2028	Kansas City Missouri	Kansas City Missouri	$21,642,007	6
North Hays – Chetolah Creek 115 kV New Line	11/18/2025	West-Central Kansas	West-Central Kansas	$23,309,257	8
Seminole - Southwest Shreveport 765 kV New Line	6/1/2028	Central Oklahoma	Northwest Louisiana	$2,372,127,949	315

The Board violated the Tariff because the Short-Term Reliability Project Exemption designation for the Four Projects was unsupported by the plain language of SPP's Tariff.[18] SPP's action therefore violates the filed rate, thus making SPP's actions a rate-affecting decision that is unjust, unreasonable, and unduly discriminatory or preferential. Notwithstanding that several entities[19]

[15] *See* SPP 2025 Integrated Transmission Planning Assessment Short-Term Reliability Projects Report, at 1-5 (issued Dec. 9, 2025) ("STRP Report").

[16] OATT, Attachment Y, Section I.3 (emphasis added).

[17] STRP Report at 10.

[18] OATT, Attachment Y, Section I.3(a-e).

[19] The following entities raised concerns with application of the STR exemption: Advanced Power Alliance, Conservative Energy Network, Conservative Texans for Energy Innovation, ETCC, Invenergy Transmission LLC, Kansas Industrial Consumers Group, Inc., Kansas Chamber of Commerce, Longview Infrastructure Southwest, LLC, NextEra Energy, Oklahoma Industrial Energy Consumers, the Public Interest Organizations (PIO), Savion LLC, Viridon Southwest LLC, Western Resource Advocates, and The Western Way. The parties collectively

filed public comments contending that the Board should not apply the Short-Term Reliability Project designation to the Four Projects, the Board nonetheless applied the designation and exempted the projects from mandated competition without adequately addressing stakeholder concerns or justifying application of the designation and exemption. Notably, of the twenty-two stakeholder comments submitted, sixteen advocated for transmission competition and a focus on the "in-service" language of Attachment Y, as well as the overall lack of project cost and schedule accountability outside the competitive process.[20]

This Complaint is specific to SPP's Tariff violations stemming from the Board's approval of the 2025 STRP Report and thus the inappropriate designation of the Four Projects as Short-Term Reliability Projects. Historical evidence shows an evolving SPP pattern of abusing the Short-Term Reliability Project designation and failing to provide support for its designations with adequate transparency in its ITP process, despite SPP's prior averment to the Commission (where SPP initially proposed Attachment Y provisions) that it did not expect a need to invoke the Short-Term Reliability Project process frequently.[21] In that initial application before the Commission, SPP explained:

> SPP's experience over the past few years has been that most projects that have been approved that are needed to meet a reliability need within a shortened time frame have been projects that would not qualify as Competitive Upgrades as SPP defines that term in this filing. In other words, **most transmission facilities needed for reliability that are approved shortly before their required in-service date are lower voltage facilities for which incumbent Transmission Owners are permitted to retain a federal right of first refusal**. SPP also has adopted safeguards, such as the requirement that the independent SPP Board of Directors approve the use of the streamlined process and that SPP has no other

emphasized maximizing competition, avoiding application of the STR exemption, and an increased focus on affordability and utility accountability. These comments are appended to this Complaint in Attachment D.

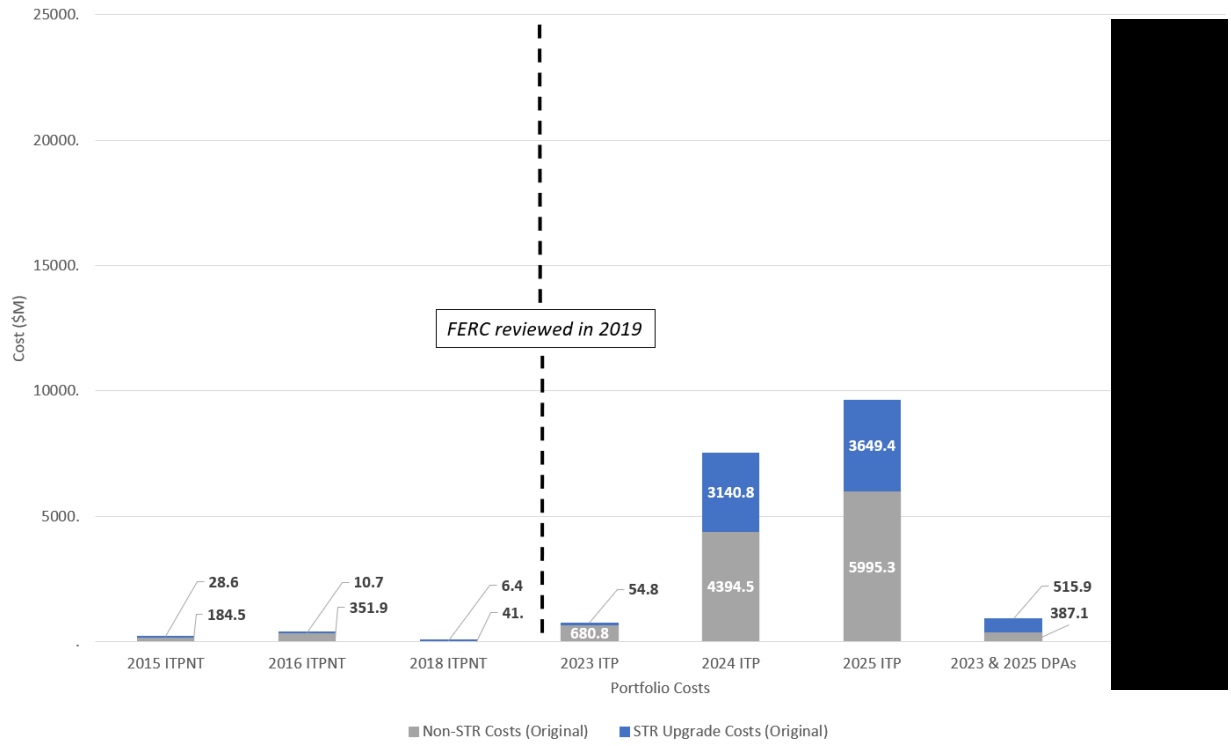
[20] Exhibit D at 2, 24-27, 29, 32, 43, 56.

[21] Compliance Filing of Southwest Power Pool Inc., Docket No. ER13-366-000 at 95 (filed Nov. 13, 2012).

> reasonable transmission or non transmission mitigation to employ while a needed reliability project is constructed.[22]

SPP has not followed through on that original guarantee of limited applicability. In the last several years SPP has consistently designated large 345 kV and 765 kV as Short-Term Reliability Projects, and the current trends indicate SPP does not intend to ensure a limited application prescribed and mandated by the Tariff.[23] The tables below show an exponential increase in SPP's application of the Short-Term Reliability Project designation and corresponding competition exemption, both with respect to project capital expenditure and voltage classes.

Figure 2 Short-Term Reliability Project Designation by Year[24] **[BEGIN CUI//CEII]**



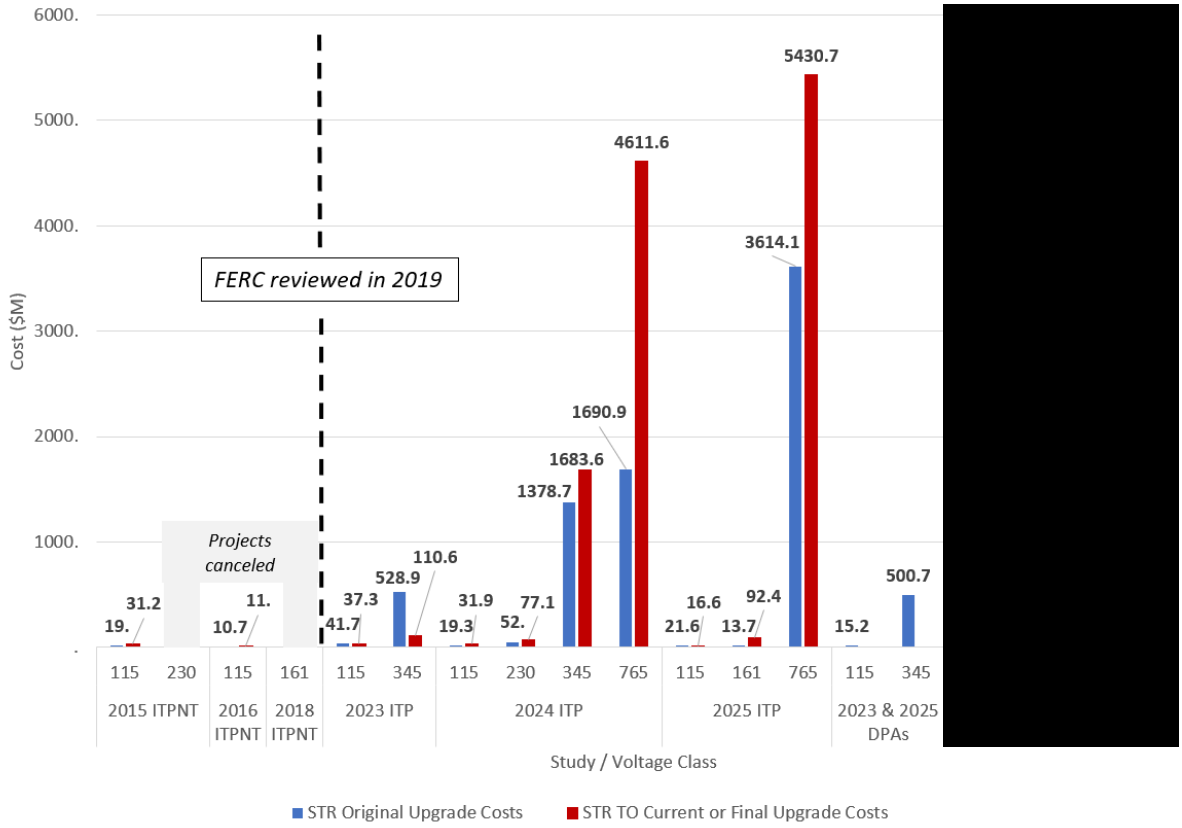
[END CUI//CEII]

[22] *Id.* (emphasis added).

[23] Caspary Affidavit (Exhibit A) at 19:21-20:1-2.

[24] Caspary Affidavit at 20:2-3. Given Complainants reviewed certain data marked as CEII in developing Figure 2 for the 2026 estimate, Complainants are marking the 2026 column as CEII.

Figure 3 Short-Term Reliability Project Designation by Year and Voltage[25] **[BEGIN CUI//CEII]**



[END CUI//CEII] SPP's current planning process indicates that it will continue to violate the filed rate which implements the Commission's directive to apply the Short-Term Reliability Project exemption on a limited basis. Therefore, the Commission must act now to prevent ratepayers from being charged excessive rates for transmission both in the near- and long-term.

Three different witnesses, with ample technical and planning experience both inside and outside of SPP, support this Complaint's demonstration of SPP's Tariff violations in the 2025 STRP Report. Witness Jay Caspary, a former 20-year SPP employee and current consultant with experience developing regional planning processes and approving transmission expansion projects

[25] Caspary Affidavit at 21:4-5. Given Complainants reviewed certain data marked as CEII in developing Figure 3 for the 2026 estimate, Complainants are marking the 2026 column as CEII.

at SPP, reviews the 2025 STRP Report's failure to meet the "Tariff requirements that are required for Short-Term Reliability Project eligibility: adequate explanation of the time-sensitive need, robust details about various solution alternatives, and justification why the project was not identified earlier."[26] As for the SPP 2025 ITP Process, Witness Caspary "conclusively [did] not find the 2025 ITP STRPs to be in compliance with the Tariff required documentation and processes."[27] Witness Caspary describes the Short-Term Reliability Project exemption language as more than simply semantics:

> the very phrase 'required to be in-service within 3 years or less' mandates that the proposed facilities to address short-term reliability issues must be energized within the designated time window . . . the Short-Term Reliability Project SPP designated in the 2025 ITP (and frankly previously) do not meet this requirement for energization and therefore are ineligible to be designated as Short-Term Reliability Projects.[28]

Witness Caspary further testifies that Attachment Y does not allow direct assignment, "with competitive designation intentionally the default" unless SPP meets the specific requirements for excluding a project from the default competition requirement. As to the practical impacts of SPP's Tariff violation and harm to consumers, Mr. Caspary explains: "In regions where competitive transmission bidding is allowed, the results speak for themselves. . . Well-designed competitive bidding processes deliver timely, reliable and lower cost upgrades with strong guarantees that indicate bid-offered terms will protect ratepayers."[29] Witness Caspary's testimony builds off the technical findings and determinations of Complainants' other witnesses.

Witness Rao Konidena, an electrical engineer specializing in wholesale energy markets and regional transmission organization ("RTO") planning and former employee at the Midcontinent

[26] Caspary Affidavit at 16: 18-22.

[27] Caspary Affidavit at 19:1-3.

[28] Caspary Affidavit at 16:8-15.

[29] Caspary Affidavit at 25:10-11.

Independent System Operator, Inc. ("MISO") for 15 years, recognizes that although there is a reliability need for each of the Four Projects, he cannot "conclude that SPP is justified in designating [the Four Projects] as short-term reliability projects."[30] Mr. Konidena's analysis shows that "SPP did not provide the 'sufficient detail' to justify the 'time-sensitive need' nor the explanation of other 'non-transmission options' that SPP considered but concluded would not sufficiently address the claimed immediate reliability need for the four Short-Term Reliability Projects."[31] According to Witness Konidena, "SPP identified solutions to address need dates within 3 years, and yet its own staging[32] criteria (60-month lead time for both Crawfish Draw – Phantom and Seminole – Southwest Shreveport) admits that building a 765 kV solution is infeasible within 3 years."[33] Mr. Konidena further explains that "SPP is compounding the error of not following its Tariff - the "required to be in service within 3 years or less" part of the Tariff, with the Short-Term Reliability Project designations that picks winners (incumbent TOs) and losers (competitive transmission developers)."[34] Specifically, in the Southwestern Public Service Company ("SPS") area, "SPP repeatedly choosing long-lead 765 kV projects to mitigate short-term reliability needs sets up a perpetual waterfall of 765 kV STR projects until the first project comes online, a methodology that is neither robust nor truly serving customers."[35] Such an approach is inconsistent with the Commission's objectives in Order No. 1920 to ensure holistic, long-term, cost-effective, and efficient regional planning.

[30] Konidena Affidavit (Exhibit B) at 5:17-19.

[31] Konidena Affidavit at 8:4-7.

[32] 2025 ITP Assessments Report, Section 6.7 at 277.

[33] Konidena Affidavit at 6:7-9.

[34] Konidena Affidavit at 7:11-14.

[35] Konidena Affidavit at 7:14-17.

Witness Richard Allen, a transmission development consultant with nearly 40 years of experience, assesses that four to seven years is a reasonable planning range for a greenfield 345 kV project[36], while recent 765 kV projects he studied had projected in-service dates approximately nine years after approval – in stark contrast to the 5-year in-service dates assigned by SPP for both of its 765 kV Short-Term Reliability Projects (Crawfish Draw – Phantom and Seminole – Southwest Shreveport).[37] Therefore, "SPP's projected in-service dates indicate that the permanent transmission solutions will not address the identified reliability violations within the three-year period," as required by Attachment Y.[38] Witness Allen makes the important distinction that, "A reliability need date identifies when SPP states that a reliability violation must be addressed. That date remains a relevant benchmark for determining whether a project is delivered when needed, but it does not establish that the permanent transmission solution *physically can be completed* by that date."[39] And to the proposition that subjecting the Four Projects to competitive solicitation would cause delay, Witness Allen testifies:

> I do not believe the available information supports the conclusion that directly assigned projects generally proceed faster than competitively awarded projects. A directly assigned project may be developed and completed faster than a competitively awarded project in a particular case, but that does not establish that directly assigned projects, as a class, proceed more quickly. Project schedules depend on the project's scope and complexity, siting and permitting requirements, land acquisition needs, the developer's execution plan and available resources, equipment and material lead times, construction conditions, and other project specific factors.[40]

[36] Allen Affidavit (Exhibit C) at 11:2-3.

[37] Allen Affidavit at 13:16-19.

[38] Allen Affidavit at 14:18-19.

[39] Allen Affidavit 14:13-17.

[40] Allen Affidavit at 18:4-11.

Complainants' three witnesses demonstrate that 1) the Four Projects cannot meet the requirement that to be a Short-Term Reliability Project the facility is required to be placed in service in three years or less; 2) the explanation required by the Tariff for each Short-Term Reliability Project designation was not provided to stakeholders by SPP in accordance with Tariff Attachment Y; 3) the 765 kV projects cannot feasibly be placed in-service within three years; 4) evidence *does not* demonstrate that competition delays project in-service dates; and 5) competition *does* offer consumers protection against unbridled project costs.

Tariff-based obligations of RTOs like SPP, borne out of Commission orders and legislation, mandate SPP to act reasonably and without undue discrimination in its functions, including transmission planning. Order No. 1000[41] enshrined the competitive process into RTO transmission planning. However, SPP has effectuated its ITP process without due consideration to either consumers or non-incumbent competitive developers, abusing the Short-Term Reliability Project exemption and definition of reliability "need" in contravention of the plain language in SPP's Tariff and to the advantage of incumbent utilities and SPP itself. Not only does SPP's abuse of the Short-Term Reliability Project designation to exempt Extra High Voltage ("EHV") and Ultra High Voltage ("UHV") projects from the default requirement for competition violate the filed rate, but also exacerbate the energy affordability crisis in the long-term given the expected service life of the projects. Accordingly, SPP's actions are directly contrary to the Commission's mission to "[a]ssist **consumers** in obtaining reliable, safe, secure, and economically efficient energy services at a **reasonable cost** through appropriate regulatory and market means, and collaborative

[41] *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, 136 FERC ¶ 66,051 (2011) ("Order No. 1000"), *order on reh'g*, Order No. 1000-A, 139 FERC ¶ 61,132 (2012) ("Order No. 1000"), *order on reh'g and clarification*, Order No. 1000-B, 141 FERC ¶ 61,044 (2012), *aff'd sub nom. S.C. Pub. Serv. Auth. v. FERC*, 762 F.3d 41 (D.C. Cir. 2014) ("*South Carolina*").

efforts."[42] The Commission's mission reflects the Commission's statutory obligation to protect consumers from excessive rates and charges.[43]

In promulgating Order No. 1920, the Commission explained:

> The electric transmission grid is the backbone of the American economy and essential to the national security of our country. The mission of this agency is to ensure reliable, safe, secure, and economically efficient energy for consumers at a reasonable cost. Ensuring we have a robust, well-planned electric transmission grid is the single most important step that this Commission can take to fulfill that statutory mandate.[44]

To meet its mission to protect consumers from escalating transmission rates – the fastest growing part of consumer electricity bills[45] – the Commission must ensure two things: (1) that the appropriate transmission projects are planned; and (2) that those planned transmission projects are implemented in an economically efficient manner, which requires strict adherence with the Tariff language geared toward ensuring that economically efficient implementation.

To meet its statutory obligations, the Commission can and should apply such principles to SPP's 2025 ITP assessment by (1) requiring SPP to align its application of the Short-Term Reliability Project exemption with the plain language of the Tariff, and (2) requiring SPP to establish that projects designated as Short-Term Reliability Projects are capable of meeting the Tariff requirement to be in-service within 3 years or less to be excluded from competition. Absent this Complaint, FERC will have no opportunity to consider the concerns raised by stakeholders

[42] About FERC, https://www.ferc.gov/what-ferc (emphasis added) (last accessed Oct. 27, 2026) (emphasis added).

[43] *NextEra Energy Res. v. FERC*, 898 F.3d 14, 21 (D.C. Cir. 2018).

[44] *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, 187 FERC ¶ 61,068 (May 13, 2024)("Order No. 1920"), Phillips, Chairman, Clements, Commissioner, *concurring* ("Joint Order No. 1920 Concurrence") at P 1; see also, Order No. 1920, Christie, Commissioner, *dissenting*, ("Christie Order No. 1920 Dissent") at P 1 ("The Federal Power Act (FPA) is, at its core, a consumer protection statute.")

[45] *See* "US electricity prices outpace annual inflation," Utility Dive (Mar. 13, 2024), *available at* https://www.utilitydive.com/news/us-electricity-prices-rise-customer-eia-outlook/710113/ (last accessed Oct. 27, 2026); *see* Order No. 1920 at P 92 (recognizing the substantial increases in transmission prices and the that "transmission investment is likely to substantially increase in coming years" through at least 2050).

about the Board's process and methodologies that led to the classification of the Four Projects included in the 2025 ITP study as Short-Term Reliability Projects. With consumer affordability at a breaking point, the Commission must not allow RTO Board processes and decisions that favor incumbent utilities over the development of the most efficient and cost-effective transmission projects for consumers.

The relief Complainants seek is a requirement that SPP apply the filed rate, the Tariff, as written, thus expeditiously initiating the Transmission Owner Selection Process to competitively select developers for the Four Projects which were improperly excluded from competition. Given that SPP may effectuate a direct assignment of the Four Projects in early February 2027, as well as potentially designating additional projects as Short-Term Reliability Projects, Complainants respectfully ask the Commission to issue an order on this Complaint in advance of February 2027 and direct SPP to comply with its Tariff and Order No. 1000.

II. DESCRIPTION OF PARTIES

A. Complainants[46]

1. ***Industrial Energy Consumers of America ("IECA").*** IECA is a nonpartisan association of America's leading manufacturing companies with $1.3 trillion in annual sales, over 12,000 facilities nationwide, and with more than 1.9 million employees. IECA was founded on the belief that a robust, diverse and affordable supply of energy is required to sustain economic growth, quality of life for our citizens, and the competitiveness of American industry. IECA promotes the interests of manufacturing companies through advocacy and

[46] As to Communications for this Complaint, Complainants request that the persons listed in signature blocks on behalf of each of the parties be included on the Commission's official service list for this proceeding. Per 18 C.F.R. § 385.203(b)(3), Complainants request that Kenneth R. Stark (kstark@mcneeslaw.com), Rebecca Kimmel (rkimmel@mcneeslaw.com), and Elizabeth Smith (esmith@mcneeslaw.com) as the primary persons "upon whom service is to be made and to whom communications are to be addressed in the proceeding."

collaboration for which the availability, use and cost of energy, power or feedstock play a significant role in their ability to compete in domestic and world markets. IECA membership represents a diverse set of industries including: chemicals, plastics, steel, iron ore, aluminum, paper, food processing, fertilizer, insulation, glass, industrial gases, pharmaceutical, consumer goods, building products, automotive, independent oil refining, and cement (all of which use tremendous amounts of electricity in their industrial processes). IECA has members throughout the United States. The U.S. manufacturing sector consumes approximately 34% of U.S. electricity production. The vast majority of IECA member companies are energy intensive trade exposed, which means that relatively small increases in the price of electricity can have relatively high negative impacts to their domestic and global competitiveness – directly impacting jobs and investment.

IECA members pay hundreds of billions a year in electricity rates. Commission jurisdictional transmission rates have been the fastest growing component of those rates for the last several years, well outpacing inflation. While IECA members support the development of needed transmission, IECA members strongly believe that such needed transmission must be built in the most efficient and cost-effective manner. Like IECA members in each of their respective markets, utilities should compete to develop and own needed transmission to ensure that rates for that transmission are just and reasonable. IECA has a significant interest in this Complaint, as SPP has circumvented mandated competition by violating its existing tariff.

2. ***Electricity Transmission Competition Coalition ("ETCC").*** ETCC is a diverse, broad-based, nation-wide coalition focused on ensuring electricity affordability and increasing the level of competition for the right to develop and own needed investments in

America's electricity transmission infrastructure.[47] ETCC represents electricity consuming companies and their supporting organizations throughout the continental United States, including manufacturing groups, retail electric consumers, state consumer advocates, and public power representatives, ETCC also includes 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.

Over the past seven months, threats to competitive solicitation processes have been pronounced and pervasive, necessitating higher levels of ETCC's regulatory engagement at the Commission, including in Docket Nos. ER26-1538, EL26-58, EL26-83, ER26-2987, ER26-2825, and ER26-2796. After addressing and responding to time-sensitive deadlines in those dockets, ETCC had an opportunity to direct its time and resources toward this Complaint.

B. Respondent

Southwest Power Pool, Inc. ("SPP") is a "public utility" as defined in Section 201(b)(2)(e) of the FPA. SPP is a duly authorized RTO approved by the Commission pursuant to 18 C.F.R. § 35.34. SPP provides transmission and other FERC-jurisdictional market services under its FERC-approved tariffs. SPP is the Transmission Provider, as that term is defined in SPP's Tariff and, as such, is responsible for the administration of the SPP Tariff. SPP's eastern footprint includes portions of Arkansas, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.[48] SPP effectuates its integrated transmission planning or ITP process through an annual planning cycle that assesses

[47] *See* https://electricitytransmissioncompetitioncoalition.org/who-we-are/ (last accessed Oct. 27, 2026).

[48] SPP explains that it is the Reliability Coordinator for its members in the Eastern Interconnection and serves members in the Western Interconnection through its Western Energy Services Portfolio of contract-based services. *See* https://storymaps.arcgis.com/stories/c227e9da2bc04d498a81b2f9d845b952

near- and long-term economic and reliability transmission needs. SPP's 2025 ITP is poised to unlawfully directly assign approximately $3.8 billion in transmission projects to incumbent utilities by misapplying Attachment Y, Section I.3 of SPP's Tariff. That provision allows an exemption from the default competitive solicitation process required by Order 1000 only for "short-term reliability" projects that are required to be in service in three years or less. . ."[49]

III. SUPPORTING EXHIBITS AND ATTACHMENTS

This Complaint is supported by several legal citations and references to materials on publicly available web sites. Complainants also append to this Complaint the following evidence in support. Complainants are submitting both public and CUI//CEII versions of this Complaint and Exhibit A and Exhibit B in light of data marked as CEII by SPP.

- Exhibit A – Affidavit and Exhibits of Jay Caspary
- Exhibit B – Affidavit and Exhibits of Rao Konidena
- Exhibit C – Affidavit of Richard Allen
- Exhibit D – Stakeholder Comments Submitted for 2025 SPP ITP Portfolio
- Exhibit E – 2025 Short-Term Reliability Projects Report
- Exhibit F – 2025 Integrated Transmission Plan Report
- Exhibit G – Comments in Support of Transmission Competition from Legislators and State Entities in SPP States

IV. BACKGROUND

A. Order No. 1000 and its Subsequent Legal Challenges

The Commission eliminated federal rights of first refusal ("ROFRs") in Order No 1000, mandating competitive solicitations processes for RTOs in most instances when regional cost allocation was to be employed. The Commission held that any exemptions to those competitive requirements, here Attachment Y, must be used narrowly in "limited circumstances."[50]

[49] *See* Tariff Attachment Y, Section I.3.

[50] SPP First Compliance Order, 144 FERC ¶ 61,059 at P 195.

In Order No. 1000, the Commission held that it cannot effectively establish just and reasonable transmission rates when rights of first refusal are present. Stated differently, incumbent preferences prevent the Commission from meeting its statutory consumer protection mandate to ensure just and reasonable transmission rates. In Order No. 1000, the Commission held that "the elimination of federal rights of first refusal from Commission-jurisdictional tariffs and agreements is necessary and appropriate to ensure that rates for jurisdictional services are just and reasonable."[51] That finding remains as true today as it was when the Commission issued Order No. 1000. In fact, given the need to strengthen the aging grid in an affordable manner, that finding becomes even more important today.

In Order No. 1000, the Commission found "there is a need to act at this time to remove provisions from Commission-jurisdictional tariffs and agreements that grant incumbent transmission providers a federal right of first refusal to construct transmission facilities selected in a regional transmission plan for purposes of cost allocation."[52] The Commission further found that federal rights of first refusal could "lead[] to rates for jurisdictional transmission service that are unjust and unreasonable"[53] because "it is not in the economic self-interest of incumbent transmission providers to permit new entrants to develop transmission facilities, even if proposals submitted by new entrants would result in a more efficient or cost-effective solution to the region's needs."[54] The United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit") upheld the Commission's pro-transmission competition findings in Order No. 1000, explaining that "basic economic principles make clear that rights of first refusal are likely to have a direct

[51] *See* Order No. 1000 at P 313.

[52] *See* Order No. 1000 at P 253.

[53] *Id.* at P 256.

[54] *Id.*

effect on the costs of transmission facilities because they erect a barrier to entry."[55] The Commission's prediction as to the removal of the incumbent's self-granted preferences has proven prescient in multiple ways.

Following the issuance of Order No. 1000, SPP, on behalf of incumbent transmission owners, vigorously argued, both before the Commission and on appeal to the United States Court of Appeals for the District of Columbia Circuit to preserve provisions in its governance documents through which the transmission owners had granted themselves preferences.[56] Incumbent transmission owners in SPP argued that the contracts by which they divided the transmission market among themselves in those regions deserved protection under the *Mobile-Sierra* doctrine. In one attempt, SPP offered a limited ninety-day ROFR as a claimed middle ground, which the Commission rejected.[57]

In rejecting SPP's contractual arguments, the Commission determined that "we agree with Missouri [Public Service Commission] that the construction rights and obligations contained in section 3.3 of the [SPP] Membership Agreement are prescriptions of general applicability rather than negotiated rate provisions that are necessarily entitled to a *Mobile-Sierra* presumption."[58] The Commission held that the "*Mobile-Sierra* presumption does not apply to the federal right of first refusal in MISO's Membership Agreement because such provision arose in circumstances *that do not provide the assurance of justness and reasonableness* on which the *Mobile-Sierra* presumption

[55] *South Carolina*, 762 F.3d at 74.

[56] *United Gas Pipe Line Co. v. Mobile Gas Serv. Corp.*, 350 U.S. 332 (1956) ("*Mobile*"), and *Fed. Power Comm'n v. Sierra Pac. Power Co.*, 350 U.S. 348 (1956*)* ("*Sierra*"); *see also Okla. Gas & Elect. Co. v. FERC*, 827 F.3d 75, 76 (D.C. Cir. 2016) ("*Oklahoma G&E*") (Under the doctrine, "FERC must presume a contract rate for wholesale energy is just and reasonable and cannot set aside the rate unless it is contrary to the public interest.").

[57] *See* Answer of Southwest Power Pool, Inc., Docket No. EL26-58-000, filed on May 27, 2026 at 4. As evident from the tenor of that Answer, a decade later SPP continues to oppose the Commission's competition mandate.

[58] *Southwest Power Pool, Inc.,* Order on Compliance Filings, Docket No. ER13-366-000, et al., 144 FERC ¶ 61,059 (July 18, 2013) ("SPP Initial Order") at P 130, on reh'g, 149 FERC ¶ 61,048 (Oct. 16, 2014) ("Rehearing Order").

rests."[59] SPP is not alone here. The Commission also rejected similar arguments by the Midcontinent Independent System Operator, Inc. ("MISO") and its incumbent transmission owners.[60] The Commission agreed with the Illinois Commerce Commission in rejecting *Mobile-Sierra* arguments with respect to the MISO Transmission Owners Agreement.[61]

The SPP transmission owners, as well as those in MISO, sought appellate review of the Commission's required removal of the contractually self-granted incumbent preferences. Incumbent transmission owners in SPP sought judicial review of the Commission's elimination of their rights of first refusal at the D.C. Circuit. The D.C. Circuit held that "the Commission in its expert judgment already determined, the rights of first refusal created 'a pre-existing barrier to entry' for nonincumbent transmission owners."[62] The D.C. Circuit further held that

> The Seventh Circuit has gone so far as to describe such self-protective and anti-competitive agreements as cartel-like. See *MISO Transmission* [], 819 F.3d at 335 []. We similarly think that such terms through 'which the parties are seeking to protect themselves from competition from third parties' are a far cry from those in the original Mobile-Sierra cases.[63]

In another case involving a challenge brought by incumbent transmission owners in New England, the D.C. Circuit affirmed the Commission's finding that even if these cartel-like arrangements enjoyed *Mobile-Sierra* protection, the public interest would nonetheless require it to abrogate the contract.[64] Specifically, the D.C. Circuit noted the Commission's finding that the public interest compelled elimination of the right of first refusal, because it "would adversely affect transmission

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[59] *See* SPP Initial Order at P 132 (emphasis added).

[60] *Midwest Independent Transmission System Operator, Inc.*, 142 FERC ¶ 61,215 (2013) ("MISO Initial Order") *on reh'g*, *Midwest Indep. Transmission Sys. Operator, Inc.*, 147 FERC ¶ 61,127, at P 436 (2014).

[61] *See* MISO Initial Order at P 180 (agreeing with the Illinois Commerce Commission).

[62] *Oklahoma G&E*, 827 F.3d at 80.

[63] *Id*. (certain citations omitted).

[64] *See Emera Me. v. FERC*, 854 F.3d 9 (D.C. Cir. 2017) ("*Emera Maine*").

development."[65] The D.C. Circuit emphasized the high bar that *Mobile-Sierra* imposed on contract abrogation by "reserv[ing] the Commission's contract-abrogation power for *those extraordinary circumstances where the public will be severely harmed*."[66] The D.C. Circuit went on to affirm that the Commission "made such a finding here. . . , thereby clearing the *Mobile-Sierra* bar as articulated in *Morgan Stanley*."[67]

In *MISO Transmission Owners*, the United States Court of Appeals for the Seventh Circuit ("Seventh Circuit") recognized the contract between and among MISO and the incumbent transmission owners for what it was: a "contract in which the parties are seeking to protect themselves from competition from third parties (cartels are the classic example of such contracts)."[68] Distinguishing such an arrangement from the contract in *Sierra*, with respect to which "the parties brought adverse interests to the table and their contract could be assumed to have split the difference," the Seventh Circuit found "FERC's abrogation of the right of first refusal . . . was lawful.[69] The Seventh Circuit also noted that "if there are indeed good things to be said about the rights of first refusal claimed by the petitioners, they are not said in any of the voluminous filings in this case."[70]

Subsequently, transmission owners sought certiorari of the Seventh Circuit's decision with the United States Supreme Court. In its response, the Commission bluntly and correctly

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[65] *Id.* at 671.

[66] *Id.* (*citing Morgan Stanley*, 554 U.S. at 551 (emphasis in original)).

[67] *Emera Maine* 854 F. 3d at 671.

[68] *MISO Transmission Owners*, 819 F.3d at 335.

[69] *Id*. at 335. As the Seventh Circuit aptly held "[a] market that can support only one firm because conditions of supply and demand leave room for no more—what is called a 'natural monopoly'—has no need for a right of first refusal. Such a right implies a possibility of entry (why otherwise create such a right?)—in other words room for an additional firm or firms, yet the right enables the incumbent firm to ward off entry." *Id*. at 333-34.

[70] *Id.* at 334.

characterized the rights of first refusal as "the product of a collusive arrangement between parties with a mutual interest in maintaining their monopoly over the construction of transmission facilities within MISO's operating area— an arrangement that allows them to avoid 'hav[ing] to bid down the prices at which they will build new facilities in order to remain competitive' and to pass on the costs of any resulting inefficiencies to consumers in the form of higher rates."[71] The Commission defended its abrogation of these contractual rights, stating:

> the Commission has used its rulemaking authority under the FPA to "break down regulatory and economic barriers that hinder a free market in wholesale electricity," *Morgan Stanley Capital Grp., Inc. v. Public Util. Dist. No. 1*, 554 U.S. 527, 536 (2008) (*Morgan Stanley*). This case concerns one such rule, known as Order No. 1000, which the Commission promulgated in 2011 to "address opportunities for undue discrimination by public utility transmission providers" and to "ensure that rates for Commission-jurisdictional service are just and reasonable in light of changing conditions in the industry." 76 Fed. Reg. 49,845 (Aug. 11, 2011).[72]

The Commission went on to tell the Supreme Court that rights of first refusal "'gave incumbent utilities the option to construct any new transmission facilities in their particular service areas, even if the proposal for new construction came from a third party' and *even if the third party was capable of building the facility more cheaply*."[73]

Despite numerous efforts by SPP and other RTOs, as well as incumbent transmission owners, to flout Order No. 1000's competitive requirements, the Commission and appellate courts at each level have instead solidified the need for and value of Order No. 1000.

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[71] *MISO Transmission Owners*, 819 F.3d at 14.

[72] *See* "Brief for Respondent Federal Energy Regulatory Commission in Opposition" at P 4, *available at* https://www.ferc.gov/enforcement-legal/legal/court-cases/ameren-services-co-et-al-v-ferc-8 (last accessed Oct. 27, 2026).

[73] *Id*. (*citing South Carolina*, 762 F.3d at 72).

B. Development of SPP's Tariff Attachment Y.

Following issuance of Order No. 1000, SPP, like other RTOs, was required to submit a compliance filing to the Commission outlining its proposed tariff revisions to satisfy the Order No. 1000 directives. In SPP's first Order No. 1000 Compliance Filing,[74] SPP proposed its short-term reliability exemption. The Commission partially accepted SPP's proposal, explaining that in cases of projects needed to resolve a time-sensitive reliability criteria violation, it was just and reasonable for SPP to create a class of transmission projects that were exempt from competition, but that such an exemption should be used only in limited circumstances.[75] Because multiple RTOs had a proposed reliability-based exception to ROFR removal, the Commission established five minimum criteria for the immediate reliability project exemptions. The Commission applied the generic criteria with the goal of placing reasonable bounds on an RTO's discretion to determine whether there is sufficient time to permit competition. The five criteria are as follows ("Immediate Need Criteria"):

> 1. The project must be needed in three years or less to solve reliability criteria violations;
>
> 2. The Regional Transmission Organization (RTO) must separately identify and then post an explanation of the reliability violations and system conditions in advance for which there is a time-sensitive need, with sufficient detail of the need and time-sensitivity;
>
> 3. The RTO must provide to stakeholders and post on its website a full and supported written description explaining: (1) the decision to designate an incumbent transmission owner as the entity responsible for construction and ownership of the project, including an explanation of other transmission or non-transmission options that the region considered; and (2) the circumstances that generated the immediate reliability need and why that need was not identified earlier;

[74] Compliance Filing of Southwest Power Pool, Inc., Docket No. ER13-366-000 at 70-89 (filed on Nov. 13, 2012) (First Compliance Filing).

[75] *Sw. Power Pool, Inc.,* 144 FERC ¶ 61,059, at PP 195-198 (2013) (SPP First Compliance Order).

> 4. Stakeholders must be permitted time to provide comments in response to the project description, and such comments must be made publicly available; and
>
> 5. The RTO must maintain and post a list of prior year designations of all immediate need reliability projects for which the incumbent transmission owner was designated as the entity responsible for construction and ownership of the project. The list must include the project's need-by date and the date the incumbent transmission owner actually energized the project. The RTO must also file the list with the Commission as an informational filing in January of each calendar year covering the designations of the prior calendar year.[76]

In considering the Immediate Need Criteria, the Commission recognized Order No. 1000's removal of certain barriers to entry that previously discouraged nonincumbent transmission developers from proposing alternative transmission solutions in the regional transmission planning process that may be more efficient or cost-effective. The Immediate Need Criteria also recognize Order No. 1000's determination that it is not in the economic self-interest of public utility transmission providers to expand the transmission system to permit access to competing sources of supply.[77] The Commission found that, on one hand, the more transmission projects covered by an exemption, the longer such barriers can be maintained against potential competitive transmission solutions proposed by competitive transmission developers. On the other hand, the Commission recognized the potential for delays in transmission development that could impede the ability of the RTO and an incumbent utility to meet their reliability transmission needs.[78]

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[76] SPP First Compliance Order at PP 195-196. Per the SPP Order 1000 Strategic Review Task Force Report (January 23, 2025 draft) regarding the Short-Term Reliability Project designation, SPP explained: "PJM and MISO representatives both explained to this task force that their RTOs only apply competition exceptions to projects that are expected to be in-service within three years." *See* SPP Order 1000 Strategic Review Task Force Report at p. 23, *available at* https://www.spp.org/stakeholder-groups-list/organizational-groups/board-of-directorsmembers-committee/strategic-planning-committee/order-1000-strategic-review-task-force/ (last accessed Oct. 28, 2026). Accordingly, this shows SPP's inconsistency among its peer RTOs requiring actual in-service capability and not just a near-term need date.

[77] *See* 206 Order of 2019 at P 4.

[78] *Id.*

The Immediate Need Criteria provided the minimum criteria which each responding RTO tariff must meet.[79] Section 3(a-e) of SPP's Tariff Attachment Y – which is now the legally binding requirement in SPP – incorporates the above criteria as follows:

> 3) For any upgrade meeting the specifications listed in Section I.1 of this Attachment Y, the Transmission Provider may designate the Transmission Owner(s) in accordance with Section IV of this Attachment Y if such upgrade is required to be in service within 3 years or less to address an identified reliability violation ("Short-Term Reliability Project"). To have a transmission project approved as a Short-Term Reliability Project, the Transmission Provider shall:
>
> a) Separately identify and post an explanation of the reliability violations and system conditions for which there is a time-sensitive need, in sufficient detail to allow stakeholders to understand the need and why it is time sensitive.
>
> b) Provide to stakeholders and post on its website a full and supported written description explaining:
>
> i. The decision to designate the Transmission Owner pursuant to Section IV of this Attachment Y, including an explanation of other transmission or non-transmission options that the Transmission Provider considered but concluded would not sufficiently address the immediate reliability need; and
>
> ii. The circumstances that generated the immediate reliability need and an explanation of why that immediate reliability need was not identified earlier.
>
> c) Permit stakeholders thirty (30) days to provide comments in response to the description required under Section I.3.b of this Attachment Y and make such comments publicly available.
>
> d) Maintain and post a list of prior year designations of Short-Term Reliability Projects. The list must include the Short-Term Reliability Project's need date and the date that the DTO actually energized the project. Such list must be filed with the Commission as an informational filing in January of each calendar year covering the designations of the prior calendar year.
>
> e) Obtain approval by the SPP Board of Directors.

[79] Notably, an RTO can propose stricter or more detailed Tariff criteria than the outlined criteria the criteria suggested by the Commission. The Commission may accept RTO-specific tariff revisions that are "consistent with or superior to" *status quo* principles or an applicable *pro formal* tariff. *Advanced Energy United v. FERC*, 82 F.4th 1095, 1113 (D.C. Cir. 2023) (citing *Sacramento Mun. Util. Dist. v. FERC*, 616 F.3d 520, 531 (D.C. Cir. 2010).

As the language of SPP's Tariff shows, to demonstrate a time-sensitive need as required by the Commission, SPP's Tariff focuses not on the date of the need, but instead on the date by which the solution addressing the reliability violation, ensuring that "such upgrade is required to be in service within 3 years or less to address an identified reliability violation."[80] As a result, SPP's Tariff meets the Commission minimum criteria to show a need within three years by establishing a requirement that the upgrade/project be in service within three years or less.

The Tariff's Attachment Y is a product of a series of three compliance filings by SPP,[81] wherein the Commission ordered revisions to each of SPP's proposals until granting final approval under its third compliance filing order.[82] In each subsequent compliance filing, the Commission curtailed SPP's repeated attempts to preserve incumbent preferences for a federal ROFR, until such preferences were only available under the Commission-approved limited circumstances of Attachment Y. SPP tested the bounds of Order No. 1000 with its proposed definitions of terms such as "Competitive Upgrades" and "New Transmission Facility."[83] By the Commission's Third Compliance Filing Order, the Commission was satisfied with the regional planning, competitive bidding, cost allocation, and other Order No. 1000-pursuant tariff revisions proposed by SPP.[84]

Tariff Attachment Y establishes parameters for SPP's transmission owner designation process for construction of transmission facilities, including requirements for competitive transmission projects (the default),[85] incumbent transmission owner designated projects,[86]

[80] Tariff at Attachment Y, Section I.3(a).

[81] *See* FN 50, FN 55, Southwest Power Pool, OATT, Sixth Revised Volume No. 1, Attachment O and Y, Docket No. ER13-366-005 (2014) (Third Compliance Filing).

[82] *See Sw. Power Pool, Inc*., 151 FERC ¶ 61,045 (2015) (Third Compliance Filing Order)

[83] *See Sw. Power Pool, Inc*.,149 FERC ¶ 61,048 at P 131 (2014) (Second Compliance Filing Order).

[84] *See* Third Compliance Filing Order.

[85] Tariff Attachment Y, Section III.

[86] Tariff Attachment Y, Section IV.

notifications to construct ("NTC"),[87] project tracking procedures,[88] NTC assignment,[89] and competitive upgrade reevaluations.[90] Attachment Y's subsection IV on incumbent transmission owner designated projects applies when the criteria of the Short-Term Reliability Project exemption are met.[91]

C. FERC's 2019 Section 206 Investigation into SPP's Short-Term Reliability Project Exemption

In 2019, FERC issued an Order Instituting Section 206 Proceedings ("2019 Immediate Need Investigation") based on concerns that SPP, along with PJM Interconnection, L.L.C. and ISO New England Inc., may have been implementing their immediate reliability need exemptions in a manner that was inconsistent with Commission directives, possibly constituting unjust, unreasonable, or unduly preferential action.[92] In the 2019 Immediate Need Investigation, the Commission directed the RTOs to "demonstrate compliance with immediate need reliability project criteria," demonstrate that its tariff provisions regarding such immediate need exemption were being implemented in a just and reasonable manner, and consider additional conditions or restrictions on the use of the exemption "to appropriately balance the need to promote competition for transmission development and avoid delays that could endanger reliability."[93] The Commission concerns extended to each of the RTOs, including SPP implementation of its Short-Term

[87] Tariff Attachment Y, Section V.

[88] Tariff Attachment Y, Section VI.

[89] Tariff Attachment Y, Section VII.

[90] Tariff Attachment Y, Section VIII.

[91] Tariff Attachment Y, Section I. 3 ("For any upgrade meeting the specifications listed in Section I.1 of this Attachment Y, the Transmission Provider may designate the Transmission Owner(s) in accordance with Section IV of this Attachment Y if such upgrade is required to be in service within 3 years or less to address an identified reliability violation ("Short-Term Reliability Project")").

[92] Order Instituting Section 206 Proceedings, FERC Docket No. EL19-92, (issued October 17, 2019) at P 1 ("206 Order of 2019).

[93] *Id.*

Reliability Project exemption, outlining the following observations and questions for further investigation:

1. Lack of clarity or consistency as to how each of the RTO determines whether an immediate need project is needed in three years or less.[94]

2. Instances where immediate need projects in-service dates are after the stated need-by date, and how the Commission should interpret that.[95]

3. Lack of clarity as to whether and where the responding RTO has provided to stakeholders all required information outlined in the second through fourth Immediate Need Criteria established by FERC, such as explanations of reliability violations and system conditions for which there is a time-sensitive need.[96]

4. The RTOs disclose the reliability need and transmission project proposed to meet that need at the same time, rather than posting the reliability need in advance to allow stakeholder input.[97]

5. Whether and where the RTOs list non-transmission alternatives considered and why the reliability need was not identified earlier.[98]

6. Whether and where the RTOs post stakeholder comments relating to immediate need project descriptions.[99]

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[94] *Id.* at P 8.

[95] *Id.* at P 9-10.

[96] *Id*. at P 11.

[97] *Id.*

[98] *Id.*

[99] *Id.*

7. Whether each RTO maintains and posts a list of prior year designations of immediate need reliability projects for which an incumbent transmission owner was assigned.[100]

With respect to SPP, the Commission specifically highlighted SPP's designation of a Short-Term Reliability Project in December 2018 with a need date of June 1, 2020 but an expected in-service date of June 30, 2023.[101] The Commission explained, "Based on information on the SPP website, it appears that none of SPP's immediate need reliability projects have gone into service, even those that have need-by dates past the present date."[102] Additionally, the Commission added "it is unclear whether and where SPP maintains a list of all approved immediate need reliability projects with the need-by date and the energization date for each project."[103]

In SPP's responsive filing,[104] SPP provided the Commission with cursory responses to the Commission's questions and Commission criteria using the Attachment Y, Section I.3 Short-Term Reliability Project criteria, but did not address the actual language of the Tariff requiring that Short-Term Reliability Projects are required to be placed in service in three years or less. SPP provided a list of projects designated as Short-Term Reliability Projects under Attachment Y, Section I.3 since January 1, 2015.[105] Importantly, two of those five projects had a status of "Not yet energized," despite that their respective need dates were 2017 and 2020. SPP explained that in determining a "need" date it uses staging criteria to identify immediate need reliability projects, which are

[100] *Id.* at P 13.

[101] *Id*. at P 10.

[102] *Id*.

[103] *Id*. at P 13 (citing SPP Informational Filings, Docket No. ER13-366-000 (filed Jan. 28, 2016, Jan. 31, 2017, Jan. 24, 2018, Jan. 24, 2019).

[104] Responses to Commission Questions of Southwest Power Pool, Inc., Docket No. EL19-92-000 (filed Dec. 27, 2019) ("SPP Responses").

[105] SPP Responses at 3-4.

informed by reliability standards found in the North American Electric Reliability Corporation ("NERC") Transmission Planning Reliability Standards.[106] According to SPP,

> If a project solves a need that first appears in a later model and does not show up in earlier models, then the violation is interpolated between the two models to determine which year the violation first appears in. For example, if an element is loaded at 93% in the 2022 summer model and at 105% in the 2025 summer model, the need date would be determined through interpolation to be June 1, 2024.[107]

Complainant Witness Konidena explains how SPP incorrectly interpolates data in assessing need dates and inconsistently elevates needs identified in its Needs Assessment to the level of a Short-Term Reliability Project.[108] For example, the needs driving the Crosstown – Blue Valley line and Crawfish Draw – Phantom line, two of the Four Projects, showed up in consecutive, previous ITP cycles, yet SPP did not designate those Projects as a Short-Term Reliability Projects until 2025.[109]

Question No. 15 from the Commission in its Section 206 investigation asked how potential changes to the current immediate need designation requirements would "help maintain the balance between reliability and competition and ensure that immediate need reliability projects continue to be designated as an exception that should only be used in limited circumstances."[110] However, rather than meaningfully engage with the question prompt from its regulator, SPP simply responded that it believed the process for designating Short-Term Reliability Projects in SPP is "working as intended" and "the proposed changes would have very little impact on increasing the number of projects subject to competition."[111]

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[106] *Id.* at 5.

[107] *Id.*

[108] Konidena Affidavit at 9-30.

[109] *Id*. at 21.

[110] 2019 Order at P 19.

[111] *Id*.

In June 2020, the Commission issued a final order on the Section 206 Investigation, finding that there was insufficient evidence in the record to find that SPP's implementation of the Short-Term Reliability Project exemption was unjust, unreasonable, or unduly preferential/discriminatory.[112] As such, the Commission terminated the proceeding.

This Complaint provides the evidence that the Commission investigation then found lacking. SPP's actions subsequent to the 2019-2020 Show Cause Investigation show SPP's failure to align its Short-Term Reliability Project exemption process with Commission's mandates or SPP's Tariff. As demonstrated herein, SPP is not implementing its Short-Term Reliability Project exemption to the required removal of incumbent preferences on the limited basis mandated by the Tariff or as the Commission initially envisioned and directed.[113]

SPP has long been a critic of Order No. 1000's competitive process requirements. SPP continues to criticize competition in transmission development and ownership while ignoring its Tariff limitations on Short-Term Reliability Projects by handing incumbent transmission owners billions in long-term transmission infrastructure projects. This disregard for its Tariff limitations was recently illustrated in other proceedings related to a complaint filed at FERC this year by a coalition of incumbent transmission owners requesting a moratorium on competitive solicitations. Instead of narrowly responding to that complaint in Docket No. EL26-58-000, SPP took the opportunity in its Answer[114], to renew its long-rejected gripes with Order No. 1000 as follows:

- The Commission had failed to show that existing transmission planning and coordination processes had resulted in insufficient investment and that a mandatory nation-wide rule was necessary.
- The Commission was impermissibly intruding upon historical state judication over siting and construction of transmission facilities.

[112] *See* Order on Section 206 Investigation, Docket No. EL19-92-000 (issued on June 18, 2020).

[113] *See* Konidena Affidavit at 5-11, 16-29.

[114] Answer of Southwest Power Pool, Inc., Docket No. EL26-58-000, filed on May 27, 2026 at 14-15.

- Order No. 1000 discriminated against incumbent transmission providers, ignored benefits of federal ROFRs that had previously been approved by the Commission, and would negatively impact ratepayers and reliability.
- The Commission's efforts to alleviate alleged discrimination against nonincumbent transmission developers were not closely related to its authority to prevent discrimination and anticompetitive behavior that adversely impacts ratepayers and customers, the intended beneficiaries of the Federal Power Act.
- The Commission erred by considering incumbent transmission owners and nonincumbent transmission developers as similarly situated, because incumbent transmission owners and nonincumbent transmission developers do not have the same state-imposed obligation to serve customers.[115]

Through SPP's advocacy in prior and ongoing incumbent transmission owner efforts to eviscerate Order No. 1000, SPP cannot now pretend to be neutral in the manner in which it implements its Tariff with regard to Short-Term Reliability Projects. SPP posits that its transmission planning process recognizes the importance of competition and implements competitive solicitation processes accordingly. Although it is true that the Tariff recognizes the importance of competition (making competition the default for transmission additions), actions are louder than words – SPP's violation of the limited application of the Short-Term Reliability Project exception demonstrates that while its Tariff may recognize the importance of competition, SPP does not.

FERC's prior review of SPP's Order 1000 implementation is outdated. The 2019 investigation was prior to a substantial increase in the authorization to build EHV transmission and the significant shift in SPP's application of the language related to Short- Term Reliability Projects. This shift began with the 2024 ITP, wherein SPP began finding that large transmission lines, including 765kV transmission, that could not be in-service within 3 years could be designated as Short-Term Reliability Projects and directly assigned so as to avoid competition. Given the

[115] *See id.* at 14-28.

increase in SPP designation of the Short-Term Reliability Project exemption, Commission review is ripe and appropriate.

D. Stakeholder Comments in Opposition of the 2025 ITP STR Portfolio

Twenty-two parties submitted comments to the SPP 2025 ITP STR Portfolio: American Electric Power Service Corporation, Advanced Power Alliance, Conservative Energy Network, Conservative Texans for Energy Innovation, ETCC, Evergy, Invenergy Transmission LLC, ITC Great Plains, Kansas Industrial Consumers Group, Kansas Chamber of Commerce, Longview Infrastructure Southwest, LLC, Midwest Energy, Inc., NextEra Energy, OGE Energy Group, Oklahoma Industrial Energy Consumers, Natural Resources Defense Council, Sierra Club, Sustainable FERC Project, and Western Resource Advocates (collectively, Public Interest Organizations), Savion LLC, Southwestern Public Service Co., The Western Way, Viridon Southwest LLC, Webco Industries, Inc., and Western Resources Advocates.[116] Sixteen of these commenting parties expressed concern that SPP would exclude the Four Projects, totaling nearly $4 billion, from the competitive procurement process.[117] Many of these comments raised affordability concerns and ratepayer protection as particularly salient factors for SPP to consider in its Short-Term Reliability Project designation decision. Several comments also provide analytical evidence challenging the Short-Term Reliability Project designation for the Four Projects, specifically related to the feasibility of the tariff requirement for the Four Projects to be placed "in service within three years or less."

In its comments, Conservative Texans for Energy Innovation expressed "serious concerns" about exclusion from the competitive process because "These exclusions raise critical issues

[116] All comments can be accessed on the SPP website, available at: https://www.spp.org/documents/75724/2025 itp short-term reliability project comments - transmittal (01-14-2026).pdf (last accessed Oct. 27, 2026).

[117] *See* Attachment D for the comments filed by each of these sixteen parties.

related to policy, consumer costs, and accountability—particularly for capital-intensive projects that cannot reasonably be placed in service within the timelines contemplated by the Open Access Transmission Tariff (OATT)".[118] And, as advanced by ETCC in its comments, "The direct assignment of projects that have a need date within 3 years but have a longer projected in service date is antithetical to the desired outcome. If a reliability solution cannot meet the date of need, it appears on the surface to miss the entire point of the exception, which is that a project is required to be in service quickly to maintain reliability. By using the need date that cannot be met to preclude competition, SPP is losing the benefit of competition without a legitimate reason."[119] Additionally, the Kansas Chamber of Commerce, the Oklahoma Industrial Energy Consumers, and Viridon Southwest LLC conveyed particularly significant concerns where projects are capital-intensive and cannot reasonably be placed in service within the three-year time frame.[120] Finally, stakeholder comments reiterate longstanding precedent that "a tariff provision must be understood according to its plain meaning," therefore, SPP should only direct assign Short-Term Reliability Projects that are capable of being completed within the three year window."[121] According to another stakeholder: " the 239-mile and a 315-mile greenfield 765 kV transmission lines contemplated in the 2025 STRP Report cannot reasonably be fully sited, permitted, right-of-way acquired, engineered, constructed, and energized within three years—regardless of whether the projects are competitively selected or directly assigned."[122]

[118] *See* Attachment D at 13.

[119] *See* Attachment D at 26.

[120] *See* Attachment D at x, 39, 56.

[121] Attachment D at 43.

[122] *Id*.

As for preservation of the competitive process, in its comment, the Kansas Chamber of Commerce asserted that: "Compared to utility direct assignment, competition results in greater schedule accountability, cost discipline, and transparency that benefits ratepayers. The one SPP regional transmission project recently bid in Kansas, Wolfcreek to Blackberry line, was successfully completed on time and with a significant cost savings for Kansas ratepayers."[123] The Public Interest Organizations asserted that, "[It] is the Board's responsibility to ensure prudency when making decisions that affect ratepayers, independent of the commercial interests of individual transmission owners. That responsibility carries particular weight at a time when affordability pressures are acute, widespread, and already being experienced by customers throughout the region."[124] Viridon Southwest LLC asserted that, "Beyond schedule considerations, the exclusion of competition exposes SPP ratepayers to substantial and avoidable cost risk. To date, the STR process only directly assigning projects has cost ratepayers upwards of $2 B+."[125]

Despite that parties representing both private and public interest organizations, from all corners of the energy industry, submitted comments echoing similar concern with SPP's Short-Term Reliability Project designation, SPP pressed on. SPP did not meaningfully address these comments or update the 2025 ITP Portfolio to reflect any such concern. Here, SPP has shown its commitment to competition is nominal and its consideration of stakeholder engagement performative.

E. SPP Board Approval Process.

While SPP has long been a critic of Order No. 1000's competitive process requirements, SPP's independent Board is designed to provide a check on SPP's attempts to skirt the order's

[123] *See* Attachment D at 29.

[124] *Id*. at 31.

[125] *Id*. at 59.

prescriptions. The Board's independent check on SPP Tariff compliance is critical to consumers as the Board is supposed to provide an early check on SPP without the need for consumers to litigate before the Commission in order to mandate that SPP comply with its filed rate. On February 3, 2026,[126] the SPP Board voted to exempt the Four Projects as part of the 2025 ITP project portfolio from competitive bidding, employing the Short-Term Reliability Project exemption found in its Tariff. The projects, with an estimated cost of $3.8 billion, include 765 kV transmission lines and associated substations. According to industry standards, projects with the characteristics of the four Short-Term Reliability Projects at issue here cannot be "in service in three years or less" as required by the Short-Term Reliability Project Tariff exclusion.[127] The SPP Board, nevertheless, on acceptance of staff recommendations, determined these projects fit the Short-Term Reliability Project exemption parameters, yet has not provided details on how such determination was made or how these projects will be in service in the three-years or less required time frame for Short-Term Reliability Projects. Stakeholders throughout the ITP process opposed the recommendation and expressed concerns with the Short-Term Reliability Project designation process, encouraging the Board to follow the Tariff by competitively bidding the Four Projects to ensure they are constructed through the most time and cost-efficient avenue, maximizing ratepayer protections in the process.

On February 3, 2026, the SPP Board approved SPP's Short-Term Reliability Project designation, thus foregoing the mandated competitive transmission process and facilitating the path toward directly assigning the projects to incumbent transmission owners. Notably, nothing in

[126] The summary of the approvals and minutes from February 3, 2026 are available here: https://www.spp.org/documents/75924/2026-02-03 board of directors members committee meetings minutes.pdf (last accessed Oct. 27, 2026) (hereinafter "February 3, 2026 Board Minutes").

[127] Allen Affidavit at 11-14.

the Tariff requires SPP to directly assign a Short-Term Reliability Project. SPP Staff acknowledged that the Four Projects would be subject to competition but for the application of the Short-Term Reliability exemption; however, SPP took the position that a project meets the requirements to be considered a Short-Term Reliability Project "if the project meets the requirements to be Competitive Upgrades but is *needed* within three years or less to address reliability needs."[128] Contrary to SPP's view, Attachment Y, Section I.3 focuses on the date by which a project is "required to be in service" not the "need" date. Further, even regarding its preferred "need" date, SPP failed to provide the Tariff-required explanation to why these projects were determined to be needed within 3 years.

At the February 3, 2026 SPP Board meeting, Board members were split on various facets of the Short-Term Reliability Project designation process and proposed application to the Four Projects. As advanced by Complainant witness Caspary: "One [Board member] noted that they wanted the Board to establish mechanisms by October 2025 based on stakeholder input to better inform future Short-Term Reliability Project decisions. Another Board member noted the need for more transparency on project construction, siting, permitting, etc. for Short-Term Reliability Projects directly assigned to Transmission Owners. Another Board member noted that the Board is challenged in balancing its decision with the lack of documented criteria on how to make the distinction and supported more guidelines going forward. That same Board member motioned, and yet another Board member seconded, a motion to remove the Phantom – Crossroads – Potter 765kV project from the SRTP designation, which was the largest, riskiest project of the list (although significant EHV was also included). The Members Committee and Board voted to

[128] February 3, 2026 Board Minutes at (emphasis added); *see* November 4, 2025 SPP Board Meeting Minutes, *available here* https://www.spp.org/documents/75266/2025-11-04 board of directors members committee meetings minutes.pdf (last accessed Oct. 27, 2026) (hereinafter SPP November 4, 2025 Board Meeting Minutes").

oppose that motion, instead voting to direct assign all Short-Term Reliability Projects."[129] SPP's interpretation of Attachment Y allows the SPP Board the sole discretion seen here to pick and choose when incumbents are directly assigned upgrades, defeating the fundamental premise of Order No. 1000.

Later, at the February 3, 2026 SPP Board meeting, the SPP Board approved the four Short-Term Reliability Projects proposed in the 2025 ITP, declining to pursue any further research, discussion, or analysis of Short-Term Reliability Project designation or parameters, despite significant stakeholder engagement through supplemental comments.[130] The Short-Term Reliability Project designation is designed to identify projects with limited scope and a 3-year or less in-service horizon. According to Complainant Witness Caspary, the SPP Board retains discretion as to whether a project is competitively bid with the Short-Term Reliability Project designation acting as a label.[131] "Attachment Y Section 1.3 states that SPP may designate the Transmission Owner(s) in accordance with Section IV of this Attachment Y if such upgrade is required to be in service within 3 years or less to address an identified reliability violation where Attachment Y Section IV outlines the incumbent direct assign process. Under this language, "direct assignment is not required, with competitive designation intentionally the default and a project deemed a Short-Term Reliability Project has optionality with the ownership designation but it is later defined as automatic in Business Practice Section 7660."[132] Despite the clear language of Attachment Y, public comments expressing concern about SPP's interpretation and application of the Short-Term Reliability Project requirements, and consternation and lack of a clear consensus

[129] *See* Caspary Affidavit at 9:21-10:11.

[130] Caspary Affidavit at 10:16-22.

[131] Caspary Affidavit at 13:21-22 ,10:9-11.

[132] Caspary Affidavit at 14:5-8 (emphasis added).

among Board members, SPP made no changes to its 2025 ITP Portfolio. And, when it had the chance, the Board entirely failed to justify its decision. The 2025 ITP Report, subsequent Short-Term Reliability Project Report, and the SPP Board actions give short shrift to consumers, the body of stakeholder feedback, the competitive process, and the requirements for projects to receive the Short-Term Reliability designation, ultimately resulting in a violation of the SPP Tariff and Section 206 of the Federal Power Act. The Commission must act to rectify.

> Of further concern, as noted in the supporting affidavit of Mr. Caspary:
>
> > the SPP Board appeared to enter "negotiations" of sort with the incumbent utilities in order to maintain the projects as direct assigned. One by one, the Board questioned the various utilities' present representatives whether they would agree to additional cost and/or schedule terms which appeared framed as a pre-requisite for direct assignment due to the stakeholder pressure for competition.[133]

Accordingly, the SPP Board's actions in approving the 2025 Short-Term Reliability Projects introduces risks of anticompetitive conduct[134] and undue discrimination.[135]

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[133] Caspary Affidavit at 12:2-6. A link to the SPP Board Meeting from February 3, 2026 is available here, though a password is required:https://mysppmeeting.webex.com/recordingservice/sites/mysppmeeting/recording/playback/a5fd998c3ad94b02bcef3e6cdf93c8d5 (last accessed Oct. 28, 2026).

[134] *See* Order No. 1000-A at P 76 (summarizing the comments of the U.S. Federal Trade Commission ("FTC") explaining the FTC's support for the elimination of federal rights of first refusal "as a means for promoting consumer benefit…consistent with antitrust policy disfavoring regulatory barriers to entry in all but a limited number of circumstances."). Indeed, Order No. 1000 is rooted in antitrust and fair-trade principles and implements similar frameworks to prevent monopolistic practices, encourage market entry and competition, and protect consumers from artificial price inflation. Just as Section 206 of the FPA commands FERC to break up utility structures that are "unduly discriminatory or preferential," Section 2 of the Sherman Antitrust Act penalizes entities who "monopolize, or attempt to monopolize any part of the trade or commerce." 15 U.S.C. § 2; *see also, Associated General Contractors of California, Inc. v. California State Council of Carpenters*, 459 U.S. 519, 538 (1983) (explaining that "the Sherman Act was enacted to *assure customers the benefits of price competition*, and our prior cases have emphasized the central interest in protecting the economic freedom of participants in the relevant market." (emphasis added)).

[135] In the context of evaluating undue discrimination, the Commission will examine the substance of an arrangement rather than its form, and has rejected mechanisms that result in undue discrimination or preferential treatment. *See* Order No. 1000 at PP 287, 319-321.

F. 2025 ITP Report

SPP's 2025 ITP Assessment Report was approved by the SPP Board at the November 4, 2025 Board Meeting[136] and published on November 25, 2025.[137] The 2025 ITP Assessment Report described the previous year's plan as the largest in SPP history, approving $7.7 billion in new transmission, but due to surging demand, classified the 2025 plan as even larger.[138] About such rapid growth, the 2025 ITP Assessment Report states, "This growth presents a critical decision: maintain a reactionary approach identifying short-term fixes or transform the SPP system into an instrument of economic growth for generations."[139] SPP describes the projects comprising the 2025 ITP portfolio as "remarkable improvements to the reliability system," "adding significant resiliency to the system through congestion relief, load shed reduction, and transfer capability," and addressing "extraordinary load increases that have and continue to be forecasted."[140]

For each area of reliability need, SPP evaluated solutions in each applicable model scenario to determine their effectiveness in mitigating the needs identified by the needs assessment.[141] Evaluated solutions were comprised of FERC Order Nos. 1000 and 890 solutions submitted by stakeholders, SPP-staff developed solutions, and model adjustments or corrections.[142] Despite specific mention to Order No. 1000, competitive solutions or competition otherwise is not addressed in the 2025 Planning Report but for passing mention in the "Study Cost Estimates"

[136] SPP November 4, 2025 Board Meeting at 7.

[137] SPP 2025 Integrated Transmission Planning Assessment Report ("2025 Planning Report"), Nov. 25, 2025.

[138] 2025 Planning Report at 15.

[139] *Id.* at 16.

[140] *Id.* at 22.

[141] *Id.* at 129.

[142] *Id.*

("SCEs") section.[143] There, SPP described that screening assessments were conducted during the solution development phase to determine whether solutions were potentially competitive:

> "SPP sent these solutions to TOs and a third-party estimator for the development of study cost within ±30% of the final project cost. Solutions deemed not potentially competitive were sent to the incumbent TOs, while potentially competitive solutions were submitted to a third-party estimator for the development of SCEs. Once SPP received the SCEs, they were utilized throughout the remainder of the portfolio development process. In instances where an SCE was not provided by the incumbent TO, SPP used the previously calculated conceptual cost estimates (CCE)."[144]

The 2025 Planning Report did not further explain anything about the determination process as to whether a solution was competitive, nor did it further expand on the results of the study costs from the third-party estimator. Additionally, the 2025 ITP Assessment Report does not provide any insight into Short-Term Reliability Project tariff requirements for in-service dates or other required determinations.

G. 2025 ITP STRP Report

Pursuant to Attachment Y, Section I.3 of the SPP Tariff, the 2025 Planning Report included a list of time-sensitive transmission facility overloads, voltage needs, and persistent operational reliability needs underlying the designated Short-Term Reliability Projects. These projects were subsequently identified in the 2025 STRP Report, released one month after the ITP Report. The STRP Report erroneously defines Short-Term Reliability Project as any update that would otherwise be considered a Competitive Upgrade in accordance with Attachment Y of the SPP Tariff, but has a *need date* within 3 years or less, rather than a requirement to be in-service in three years or less, to address an identified reliability violation.[145] The STRP Report simply declares,

[143] *Id*. at 132

[144] *Id*.

[145] STRP Report at FN 1.

"Since a solution is needed within three years, these needs are considered time-sensitive."[146] While, the STRP Report establishes need dates for the Four Projects ranging from 2025-2028, it provides no further description on how that project would or could be completed and in-service in three years or less to address the reliability violations identified.[147]

For the Crawfish Draw – Phantom project, a 239-mile 765 kV transmission line, SPP established June 1, 2026 as the need date, "reflecting the rapid pace of load growth and escalating operational challenges across the SPS footprint."[148] However, that project is not scheduled to be in-service before November 18, 2030.[149] Almost a year after project identification and 9 months after project assignment, the incumbent transmission owner has yet to commit to a projected in-service date in the Quarterly Project Tracking Reports.

For Crosstown-Blue Valley Station, a 6 mile 161 kV transmission line, SPP established June 1, 2028 as the need date, "reflecting accelerated load growth in the Kansas City area that has outpaced previous forecasts and now requires timely action to maintain reliable service."[150] However, that project is not scheduled to be in-service before May 18, 2029.[151] Similarly, the incumbent transmission owner has yet to commit to a projected in-service date in the Quarterly Project Tracking Reports.

For North Hays – Chetolah Creek, an 8 mile 115 kV transmission line, SPP's established need date was November 18, 2025, " driven by continual operational violations, which were not

[146] *Id*. at 1.

[147] *Id*. at 3-5.

[148] *Id*. at 3.

[149] 2025 ITP Report at 269.

[150] *Id*. at 4.

[151] 2025 ITP Report at 269.

anticipated in previous assessment cycles."[152] However, that project is not scheduled to be in-service before May 19, 2029.[153]

And for Seminole – Southwest Shreveport, a 315-mile 765 kV transmission line, SPP determined a need date of June 1, 2028, "reflecting the accelerated pace of load growth and growing operational challenges across the Target Area."[154] However, that project is not scheduled to be in-service before November 18, 2030.[155] Similarly, the incumbent transmission owner has yet to commit to a projected in-service date in the Quarterly Project Tracking Reports.

Because SPP failed to establish that any of the Four Projects are required to be in service in three years or less, SPP has violated the Tariff. In addition to the requirement that a project is required to be placed in service in three years or less to be a Short-Term Reliability Project, SPP must also support its decision with additional information required by Section I.3. Vague references to operational challenges or violations and accelerated load growth do not allow stakeholders to understand the SPP-determined short-term need and, therefore do not meet the Tariff requirements.

Besides stating that SPP staff evaluated proposed solutions and selected the most optimal solution,[156] the STRP Report does not sufficiently explain how SPP made the three-year need determination, does not show that the projects can be in service in three years or less, does not thoroughly explain transmission and non-transmission alternatives, nor establish any further details. The STRP Report totals only a handful of pages (ten pages total, but five in substance), as

[152] *Id*.

[153] 2025 ITP Report at 271.

[154] *Id*. at 5.

[155] 2025 ITP Report at 272.

[156] *Id*. at 4.

compared to the 277-page 2025 Planning Report. The criteria for excluding short-term reliability needs from mandated competition established by the Commission and enshrined by SPP in Attachment Y require multipart, intricate explanations to satisfy. The Commission has recognized that allowing a ROFR for transmission projects involving a claimed immediate reliability need requires significant RTO legwork (especially as here, when such projects are worth billions of dollars and SPP's approach was challenged by a diverse range of stakeholders). An RTO must comprehensively defend a need so immediate as to automatically eschew competition. A report explaining four separate Short-Term Reliability Projects, two of which being complex, 765 kV projects spanning hundreds of miles, that devotes only 5 pages to project-specific explanation,[157] misses the mark both in form and in substance.

H. 2025 Short-Term Reliability Project Projects

1. Crawfish Draw – Phantom

Due to limited ties to the broader SPP system and "extraordinary load growth," SPP's 2025 ITP Assessment identified reliability concerns in the southern region of Southwestern Public Service Company's ("SPS") territory.[158] Such reliability concerns include voltage instability, energy delivery constraints, and widespread non-converged contingencies in New Mexico and Texas.[159] After SPP's contingency analysis produced 57,000 non-converged cases, SPP identified this area as in need of major transmission reinforcement.[160] Despite the fact that the 2026 ITP Assessment load forecast for the SPS area actually reflected a downward load adjustment, SPP still concluded that the existing 345 kV network could no longer reliably serve the projected

[157] *See* Exhibit E.

[158] *Id*. at 5.

[159] *Id*.

[160] *Id*.

demand, and thus recommended construction of a new 765 kV line from Crawfish Draw to Phantom, where interconnections to the existing 345 kV system are available.[161] To address this claimed "short-term" reliability need, SPP selected a 239-mile 765 kV line that cannot be in service for another five years.

2. Seminole – Southwest Shreveport

Located within the southeastern SPP footprint, SPP identified a need for additional transmission infrastructure to address limited transmission capacity into the load pocket, causing instability, congestion, and inlet/outlet limitations putting stress on the existing transmission system.[162] SPP recommended construction of a high-capacity 765 kV line from Seminole to Southwest Shreveport to reinforce this Target Area.[163] SPP stated it evaluated 345 kV alternatives, but the 765 kV solution demonstrated "clear advantages" in stability performance and long-term growth scalability.[164] SPP further advanced that it anticipates 2.5 GW of new load expected through the 2026 ITP Assessment. To address this claimed "short-term" reliability need, SPP selected a 315-mile 765 kV line that cannot be in service for another five years.

3. Crosstown – Blue Valley Station

SPP identified thermal overloads under several contingencies in the Kansas City, Missouri service territory, indicating "inadequate transmission capacity to support local demand and maintain reliable service."[165] SPP thus recommended construction of a new 161 kV line from Crosstown to Blue Valley Station, with alternative routes ruled out due to expansion constraints.[166]

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[161] *Id*. at 5-6.

[162] *Id*. at 7.

[163] *Id*. at 8.

[164] *Id*.

[165] *Id*. at 7.

[166] *Id*.

SPP cites a need for timely action to maintain reliable service, yet selected a project that will not be in service for another four years.

4. North Hays – Chetolah Creek

SPP identified recurring overloads on the Knoll to North Hays 115 kV line in northwestern Kansas, totaling 730 days of outages from 2021-2023.[167] SPP plans to rebuild lost portions of the Knoll to North Hays line, but advanced that such rebuild will not fully relieve the recurring overloads. SPP states that construction of a new 115 kV line from Chetolah Creek to North Hays will provide an additional inlet path, with the goal of improving reliability for local load and reducing outage risk.[168] Notwithstanding the claimed short-term need, SPP selected a project with a proposed in-service date of May 18, 2029.[169]

I. 2026 ITP CPP Planning Efforts to Designate More STR Projects

On September 28, 2026, SPP posted its 2026 ITP CPP Staging of the Portfolio, wherein SPP laid the groundwork to designate approximately nearly $5.4 billion as Short-Term Reliability Projects.[170] As Witness Konidena highlighted, SPP's waterfall of 765 kV Short-Term Reliability designations continues. In fact, SPP added two more 765kV projects as Short-Term Reliability Project recommendations: Crawfish Draw-Lawton East Side and Woodward-Viola.[171] Similar to that of 2025, SPP does not expand on its Short-Term Reliability Project designations in the 2026 ITP Report.[172]

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[167] *Id.*

[168] *Id*.

[169] 2025 ITP Report at 271.

[170] *See* Caspary Affidavit at 20, fn. 8.

[171] *See* SPP 2026 ITP & CPP Transition Assessment, available at https://www.spp.org/documents/75713/2026%20itp%20&%20cpp%20transition%20assessment%20scope_v1.6.pdf (last accessed Oct. 28, 2026).

[172] *See* 2026 Integrated Transmission Planning and CPP Transition Assessment Report, SPP Engineering, Published Sept. 24, 2026.

V. ARGUMENT

A. SPP'S DESIGNATION OF THE FOUR PROJECTS AS SHORT-TERM RELIABILITY PROJECTS VIOLATES ITS FILED RATE AND IS THUS UNJUST, UNREASONABLE, AND UNDULY DISCRIMINATORY OR PREFERENTIAL (FPA, SECTION 206)

1. The Commission Must Act Under Federal Power Act Sections 206 and 309 to Remedy SPP's Tariff Violations.

The purpose of the power given to the Commission by Section 206(a) of the Federal Power Act is "the protection of the public interest, as distinguished from the private interests of the utilities."[173] Commission regulations implementing Section 206[174] provide that "[a]ny person may file a complaint seeking Commission action against **any other person alleged to be in contravention or violation of any** statute, rule, **order**, or other law administered by the Commission, **or for any other alleged wrong over which the Commission may have jurisdiction.**"[175] The Commission has undertaken analysis of tariff violations under section 206 of the FPA.[176] As discussed herein, SPP has violated its Tariff by applying the Short-Term Reliability Project designation to projects that do not qualify for that designation, and by otherwise failing to support the designations with the information required by the Tariff. The Commission is required to address the violations by an order directing SPP to comply with its Tariff.

The appellate courts have also held that the Commission enjoys broad authority to remedy tariff violations under Section 309 of the Federal Power Act, which authorizes the Commission to

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[173] *FPC v. Sierra Pacific Power Co.*, 350 U.S. 348, 355 (1956).

[174] 18 CFR § 385.206.

[175] 18 CFR § 385.206(a) (emphasis added).

[176] *Shetek Wind Inc., Jeffers South, LLC and Allco Renewable Energy Limited v. Midwest Independent Transmission System Operator, Inc.*, 138 F.E.R.C. P61,250 (2012) at PP 1, 82 (finding that MISO violated its Tariff in its interconnection studies of certain projects as the projects were "processed improperly because, as discussed previously, MISO's Tariff does not permit interconnection customers to be processed pursuant to that policy."); *City of Anaheim v. Cal. Indep. Sys.*, 94 F.E.R.C. P61,268 (2001) at 61,934 (granting a complaint under section 206 asserting that CAISO violated its tariff).

"to perform any and all acts, and to prescribe, issue, make, amend, and rescind such orders, rules, and regulations as it may find necessary or appropriate to carry out" its statutory obligations.[177] In *Pub. Util. Comm'n of the State of Cal. v. FERC* ("CPUC"), the Ninth Circuit confirmed that FPA section 309 provides the Commission with authority to act on "statutory or tariff violations."[178] The Commission has noted that the court in CPUC held that "FPA section 309 empowers the Commission to enforce against violators' compliance with the FPA and regulatory requirements unconstrained by FPA section 206 refund effective date."[179] The Commission held that "courts have endorsed the Commission's reliance on FPA section 309 in two separate contexts: (1) where the wrongdoer violated a filed tariff or rate schedule (*i.e.,* the filed rate doctrine); and (2) where the wrongdoer violated a statutory requirement other than a filed tariff or rate schedule."[180] The Complaint addresses the first of the two applications of the Commission's authority under section 309 because SPP has violated its Tariff.

The Commission itself has recognized that Section 309 "provides the Commission with broad remedial authority, including the ability to act retroactively to correct unjust situations and to ensure that what "should have been done" is done."[181] In quoting the D.C. Circuit, the Commission further explained that Section 309 "'unquestionably gives [the Commission] the authority, in fashioning remedies, to consider equitable principles'…and that such authority

[177] 16 U.S. Code § 825h; *see Xcel Energy Service v. FERC*, 815 F.3d 947, 954 (D.C. Cir. 2016) (Section 309 "vests the Commission with broad remedial authority"); *see also Verso Corp. v. FERC*, 898 F.3d 1, 10 (D.C. Cir. 2018) (citing various instances for using Section 309 to support the proposition that such "variety of remedies indicates the expansive range afforded by FERC's Section 309 remedial power").

[178] *Pub. Util. Comm'n of the State of Cal. v. FERC*, 462 F.3d 1027, 1048 (9th Cir. 2006).

[179] *Cal. ex rel. Brown v. Powerex Corp.*, 135 FERC ¶ 61,178 at P 76 (2011).

[180] *Id*. (citations omitted).

[181] *Black Oak Energy et al v. PJM Interconnection, L.L.C.*, 167 FERC ¶ 61,250 at P 16 (2019).

includes acting retroactively."[182] Here, the Commission can act under Section 309 without having to be concerned with any market settlement issues, filed rate doctrine issues, or refund issues.

This Complaint demonstrates that Short-Term Reliability Project designations are transmission planning practices affecting rates pursuant to Section 206 of the Federal Power Act,[183] and that SPP has implemented the Tariff Attachment Y in a manner inconsistent with the plain meaning of the filed rate, thus resulting in a Tariff implementation that is unjust, unreasonable, and unduly discriminatory or preferential manner. The Commission is obligated under sections 206 and 309 to require that 1) SPP apply the Tariff in full, including removal of the 2025 ITP Short-Term Reliability Project designations before notice to construct directions are issued; 2) an expeditious initiation of the Transmission Owner Selection Process to competitively select developers for the Four Projects inappropriately designated as Short-Term Reliability Projects; and 3) mandating that SPP comply with limitations of its Tariff in designation Short-Term Reliability Projects in the future.

This Complaint establishes that SPP's Tariff violation causes immediate and irreparable harm to IECA and ETCC members. As IECA and ETCC have previously established, when projects are directly assigned, the cost containment commitments arising from competition are non-existent and eligible.[184] The SPP Board recognized as much in seeking, without success, to

[182] *Id.* (quoting *Xcel*, 815 F.3d at 952-953).

[183] 16 U.S.C. §§ 824e, 825e.

[184] *See, e.g.,* "Motion for Leave to Answer and Answer of the Electricity Transmission Competition Coalition to the Unauthorized Supplemental Reply Comments of Certain Anti-Competition Incumbent Utilities," Docket Nos. RM21-17-000, AD22-8-000, and AD21-15-000 (filed Feb. 1, 2024); *see also* "Protest of the Industrial Energy Consumers of America ("IECA"), the Electricity Transmission Competition Coalition ("ETCC"), the Coalition of MISO Transmission Customers ("CMTC"), the Midwest Large Energy Consumers, the Wisconsin Industrial Energy Group, the Association of Businesses Advocating for Tariff Equity ("ABATE"), and the Maryland Office of People's Counsel," Docket No. EL26-58-000 (filed May 27, 2026).

garner cost containment commitments in exchange for the direct assignments.[185] In addition, for ETCC's competitive transmission developer members, the irreparable harm is evident as the Four Projects were removed from competition, completely depriving those developers of an opportunity to complete and removing more than $3.1 – 4.1 billion in competitive opportunities inappropriately.[186]

The Complaint demonstrates that SPP's designation of the Four Projects as Short-Term Reliability Projects is violative of SPP's Commission-approved Tariff Attachment Y and the application is unjust, unreasonable, and unduly discriminatory against consumers and non-incumbent transmission owners. The evidence presented includes: SPP reports, relevant SPP Board Meeting minutes, prior Commission declarations and findings in Order No. 1000 compliance proceedings, stakeholder comments submitted for the 2025 ITP Portfolio assessment, a plain language review and analysis of the legally binding Tariff provisions in Attachment Y, and the supporting affidavits and technical analyses of three witnesses. Complainants' witnesses offer expert insight and analysis on various aspects of SPP's technical determinations and tariff implementation practices, and the construction timelines inherent in 345 kV and 765 kV transmission projects, specifically as each relate to SPP's violation of Attachment Y.

While SPP and/or incumbent transmission owners may argue Complainants already had their chance to oppose the Short-Term Reliability Project designation of the Four Projects through

[185] *See* Caspary Affidavit at 12:1-6.

[186] *See e.g.,* Viridon Comments to SPP 2025 ITP Portfolio, Attachment D at 56, ("The STR designation and resulting exclusion of certain projects from competition raise important policy, cost, and accountability considerations. These concerns are particularly acute where projects are large in scale, capital-intensive, and cannot reasonably be placed in service within the timeframe contemplated by the Open Access Transmission Tariff ("OATT"). In such circumstances, careful scrutiny of STR designation is warranted and the Board of Directors ("BOD") should heed the lessons learned from the 2024 STR process and take prompt action to leverage transmission competition to protect customers and limit unnecessary risks to consumers.")

SPP's comment process, such assertion would be misplaced. First, the ability of stakeholders to submit comments is only useful if the RTO receiving the comments of Tariff violations corrects its actions, or the independent Board rejects the RTO's proposed course of action. Neither happened here, notwithstanding the Board acknowledging concerns with whether the designations were appropriate under the Tariff. In this instance, Complainants, along with various stakeholders, submitted comments to SPP urging reconsideration of inclusion of the Four Projects in the Short-Term Reliability Project report, to no avail. SPP did not make any changes to the 2025 ITP Portfolio or meaningfully respond to Complainants' comments (or those submitted by other parties). Second, the Commission has made clear that a complaint is proper under Section 206 whether there is another mechanism available to challenge a particular action or not.[187] Thus, the Commission has noted that parties have "a statutory right to file [a] complaint under section 206 of the FPA."[188]

2. SPP Violated the Criteria Established in Attachment Y, Section I.3 For Applying the Short-Term Reliability Exemption.

Section I.3 of SPP's Tariff Attachment Y[189] sets the limitations on SPP and the SPP Board's designation of Short-Term Reliability Projects. Upon a showing of an urgent reliability need, SPP is permitted to directly assign construction of an otherwise competitive project as a Short-Term Reliability Project, rather than follow the Tariff's otherwise default competitive selection

[187] *See, e.g.*, *Midcontinent Independent System Operator, Inc. Otter Tail Power Company v. Midcontinent Independent System Operator, Inc. Midcontinent Independent System Operator, Inc.* 151 FERC P 61220, P 58 (2015)(holding "While we encourage parties to follow the MISO stakeholder process when requesting changes to MISO's Tariff, parties have a statutory right to file complaints under section 206 of the FPA") (emphasis added), *vacated and remanded on other grounds Ameren Services Company v. FERC*, 880 F.3d 571, (D.C.Cir. 2018); *EDF Renewable Energy*, 163 FERC ¶ 61,003 (2018) at P 46; *see also Central Hudson Gas & Elec. Corp. v. FERC*, 783 F.3d 92, 116 (2nd Cir. 2015) (finding "Petitioners are free to file a complaint under Section 206 of the Federal Power Act, 16 U.S.C. § 824e, challenging NYISO's tariff as unjust and unreasonable.")

[188] *See id*.

[189] *Supra* 26-27.

process.[190] To satisfy the designation criteria, SPP must prove that the proposed Short-Term Reliability Project is required to be in service within three years or less to address a reliability violation,[191] as well as provide additional information for stakeholders to understand the circumstances that generated the immediate reliability need and why that need was not identified earlier.[192]

Complainants demonstrate that SPP failed to make these threshold showings for each of the Four Projects. As an initial matter, SPP does not even purport to have found that the Four Projects were found to be "required to be in service within three years or less to address a reliability violation."[193] SPP's failure in that regard is not surprising as the Four Projects are long lead development projects that are in no way "short-term" reliability solutions. Instead, SPP simply relied on a so-called "need" date determination which itself is inaccurate, as explained in Exhibit B by Complainant Witness Rao Konidena. The SPP Board nevertheless approved SPP's designation despite the recognition that the Four Projects could not meet the Tariff requirement of being in service in three years or less. Even if SPP could have met the threshold requirement of in-service within three years, the Board failed to provide stakeholders with 1) adequate explanation of its Short-Term Reliability Project designations required under Section I.3(a-b) and 2) sufficient transparency in its designation process. SPP's 2025 STRP Report provides precious little explanation as to how project need dates and in service dates were developed, how the asserted needs became time sensitive, and how the reliability conditions will be addressed during the period before the permanent projects are placed in-service. Historical evidence further indicates that SPP

[190] *See* Tariff, Attachment Y, Section I.1.; *see* https://www.spp.org/engineering/transmission-owner-selection-process/ (last accessed Oct. 27, 2026).

[191] Tariff, Attachment Y, Section I.3.

[192] Section I.3(b)(ii)

[193] Attachment Y, Section I.3.

was aware of relevant system conditions before designating the Four Projects as Short-Term Reliability Projects.[194]

By failing to apply the plain language of its Tariff and satisfy the criteria for Short-Term Reliability Project designation under Section I.3, I.3(a), and I.3(b)(i-ii) of Attachment Y, SPP's 2025 ITP Portfolio designation of the Four Projects as Short-Term Reliability Projects violates the SPP Tariff and, in turn, the filed rate. In doing so, SPP produces an unjust and unreasonable rate-affecting planning outcome.[195] According to Witness Caspary, "the very phrase "required to be in-service within 3 years or less" mandates that the proposed upgrade must be energized within the designated time window, not just preferred, or desired, or wanted to be in-service and energized; *required to be in-service*. The fact remains that the Short-Term Reliability Projects SPP selected in 2025 (and frankly previously) do not meet this requirement for energization and therefore are ineligible to be designated as Short-Term Reliability Projects.[196]"

SPP may contend that it is permitted to calculate that three-year period using the date by which the reliability need must be addressed rather than the anticipated in-service date of the selected project.[197] That interpretation, however, is inconsistent with the plain language of the Tariff requirement, and the Commission has reiterated that the plain language in the Tariff is *controlling*.[198] Further, that interpretation would not relieve SPP of its obligation to demonstrate

[194] Konidena Affidavit at 37-48.

[195] Complainants do not support but are not challenging SPP's conduct as to subsections (c-e) of Section I.3.

[196] Caspary Affidavit at 16:12-15.

[197] *Southwest Power Pool, Inc.*, 171 FERC ¶ 61,213 at P 53 (2020). Notably, FERC referenced a PJM case to explain that Criterion One uses a need date rather than an expected in-service date to address whether a transmission project qualified as an immediate need project. *See id.* at P 3 (citing *PJM Interconnection, L.L.C.*, 156 FERC ¶ 61,030, at PP 22-24 (2016)).

[198] *See Midcontinent Indep. Sys. Op., Inc.*, at PP 99, 110-111 (2025). In a proceeding pertaining to the scope of authority of the independent market monitor, the Commission held "that guidance sought by MISO is inconsistent with the plain language of the Tariff." *Id.* at P 99. The Commission then conducted a plain language review and analysis of the MISO tariff to conclude: "Because we find that the Tariff is unambiguous, we need not address

that the asserted need date was derived in accordance with its applicable staging methodology or to satisfy the remaining project specific requirements of Attachment Y, Sections I.3(a) and I.3(b).

Complainants emphasize that the issues presented herein differ materially from the record before the Commission in 2020 when the Commission last investigated the application of SPP's Short-Term Reliability Project exemption. At that time, the Commission noted that SPP had designated only five of 144 transmission projects identified since study year 2016 as Short-Term Reliability Projects and found that no party had identified a change in SPP's implementation of the exemption or other changed circumstances.[199] The present record involves four Short-Term Reliability Project designations in a single ITP portfolio, including two large greenfield 765 kV projects that are not projected to enter service until years after their stated need dates. Since 2020, SPP has also gained additional experience with competitively awarded projects, and its Board has directed SPP staff to develop a new agreement addressing cost, schedule, and performance risks associated with directly assigned Short-Term Reliability Projects. These developments present a materially different record and warrant renewed examination of whether SPP continues to apply the Short-Term Reliability Project exemption only in the limited circumstances mandated by the Commission.

SPP's own descriptions of the eligibility requirement illustrate the importance of applying those requirements carefully. In materials addressing the 2023 ITP, SPP stated that Attachment Y defines a Short-Term Reliability Project as an upgrade that "is required to be in service within three (3) years or less."[200] SPP repeated that formulation in its December 2024 informational paper,

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parties' arguments as to extrinsic evidence or broader issues of Commission policy." *Id.* at P 111. Here, SPP's Tariff is likewise unambiguous.

[199] *See* Order on Section 206 Investigation, Docket No. EL19-92-000 (issued on June 18, 2020).

[200] *See* SPP 2023 Integrated Transmission Planning Assessment, Short-Term Reliability Projects, published Dec. 1, 2023 at p. 4, fn 1.

stating that "the project must . . . be required to be in service within 3 years or less."[201] In its 2025 STRP Report, however, SPP described the requirement differently, stating that a Short-Term Reliability Project is an upgrade that "has a need date within 3 years or less."[202] But that interpretation is meritless, as it is the plain language of the Tariff that controls: "**required to be in service within three years or less to address an identified reliability violation**."[203]

Importantly, an asserted need date does nothing to establish that SPP has satisfied the remaining requirements for a Short-Term Reliability Project designation. SPP must substantiate how that date was derived, explain the system conditions that make the need time-sensitive, identify the transmission and non-transmission alternatives it considered, and explain why the need was not identified earlier.[204] The plain language in the Tariff obligates SPP to address the relationship among the asserted need date, the permanent project's projected in-service date, and any interim mitigation required before that project can be energized. As demonstrated below, SPP did not adequately provide those project specific showings for the Four Projects.

The Tariff's express reference to an upgrade being "required to be in service" makes the permanent project's development schedule relevant to the Short-Term Reliability Project determination, even where the need date is used to calculate the three-year period. Each of the Four Projects has a projected in-service date after its stated need date and therefore will require interim mitigation under the direct assignment approach. SPP is obligated to identify the mitigation

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[201] Southwest Power Pool, *Board of Directors and Members Committee Meeting Materials*, 2023 Integrated Transmission Planning Assessment Short-Term Reliability Projects Report Executive Summary, at 13 (Feb. 6, 2024); Southwest Power Pool, *Short-Term Reliability Project Determination Process for 2024 ITP Assessment: Informational Paper*, at 4 & n.vi (Dec. 12, 2024).

[202] Southwest Power Pool, *2025 Integrated Transmission Planning Assessment Short-Term Reliability Projects Report*, at 1 & n.1 (Dec. 9, 2025).

[203] SPP Tariff, Attachment Y, Section I.3 (emphasis added).

[204] SPP Tariff, Attachment Y, Section I.3(b)(i-ii).

measures applicable to each project, demonstrate that those measures will address the identified reliability violations through the permanent project's projected in-service date, and explain why the same measures would not provide sufficient time to conduct a competitive solicitation.[205]

3. SPP violated Section I.3(a) of Attachment Y for Each of the Four Projects.

For SPP to directly designate an incumbent Transmission Owner to develop and own a Short-Term Reliability Project, SPP must show the project/upgrade is required to be in service within "three years or less to address an identified reliability violation."[206] Under section I.3(a), SPP must, "Separately identify and post an explanation of the reliability violations and system conditions *for which there is a time-sensitive need*, in sufficient detail to allow stakeholders to understand the need and why it is time sensitive."[207] Witness Caspary concluded that the Four Projects do not uphold this tariff requirement.[208]

Witness Konidena uses SPP's year-two, year-five, and year-ten staging process to attempt to independently corroborate SPP's stated need dates,[209] as explained below. SPP failed to sufficiently prove through available postings that each of the Four Projects have a "time-sensitive need" within three years.

a. Crawfish-Draw – Phantom 765 kV ("Crawfish")

SPP claimed a need date of June 1, 2026 for the Crawfish project. Using the staging methodology produced by SPP's ITP Manual Version 3.2 for reliability projects, Witness Konidena was unable to independently corroborate such need date, characterizing it as inaccurate and

[205] Konidena Affidavit at 48-52.

[206] SPP Tariff, Attachment Y, Section I.3.

[207] SPP Tariff, Attachment Y, Section I.3.

[208] Caspary Affidavit at 15:23-19:3.

[209] Konidena Affidavit at 8:14-9:10.

unsupported.[210] According to the ITP Manual, SPP should use linear interpolation to determine the need date: "[f]or upgrades that solve reliability needs in year five and year 10, the staging process will use a linear interpolation to evaluate thermal loading or the per-unit voltage value of the season in which the violation appears and the previous year's model on record."[211] In replicating that approach, Witness Konidena first found that the thermal needs likely associated with Crawfish **[BEGIN CUI//CEII]** [redacted].[212] **[END CUI//CEII]**. Therefore, the claimed June 1, 2026 need date cannot be verified under ITP's staging methodology without any deviation explanation included in the 2025 ITP Portfolio.[213] No such explanation is provided by SPP.

Next, Witness Konidena identified that the 2025 STRP Report describes drivers for Crawfish as "including voltage instability, energy delivery constraints, and widespread non-converged contingencies in New Mexico and the Texas Panhandle. [Importantly], none of these drivers cleanly fit the ITP Manual's staging methodology."[214] Voltage instability is a non-converged contingency, meaning it "produces no loading or per-unit voltage value, leaving no endpoint from which to interpolate," and the ITP Manual does not address how a need date should be determined when the underlying need is a non-converged contingency.[215] According to Witness

[210] Konidena Affidavit at 9-21.

[211] Konidena Affidavit at 9:17-20 (quoting ITP Manual Version 3.2 at 48).

[212] *Id*. at 10:12-11:7.

[213] *Id.* at 11:12-14.

[214] *Id*. at 12:4-8.

[215] *Id*. at 12:13-16.

Konidena, "While the potential for voltage collapse may present a legitimate reliability concern, SPP has not clearly explained the methodology it used to derive a June 1, 2026 need date from these drivers in light of the ITP Manual requirements."[216] "In the Project Lists published by SPP, the final version of the Crawfish Draw – Phantom 765 kV project **[BEGIN CUI//CEII]** [redacted] **[END CUI//CEII]** did not actually list any needs in the "Need Description" column to indicate to stakeholders which needs from the Needs Assessment were addressed by this project."[217] As such, an independent third-party like Witness Konidena cannot match SPP's derivation and justification for near-term need based on Crawfish's identified driver, voltage collapse.[218]

Additionally, Witness Konidena assessed "whether the three key SPS flowgates/interfaces were consistently part of the monitoring file definitions and present in the Needs Assessment, to determine whether the needs were strongly correlated between the monitoring and the reliability violations."[219] If there is a strong correlation between the monitoring definition and the reliability violation, one would expect to see the key interface in both monitoring definition and Needs Assessment.[220] Here, the interface begins to appear in the Needs Assessment starting in **[BEGIN CUI//CEII]** [redacted]

[216] Konidena Affidavit at 12:16-19.

[217] *Id.* at 13:4-7.

[218] *Id.* at 13:15-17.

[219] *Id.* at 13:18-21.

[220] *Id.* at 13:21-14:5.

[redacted][221] **[END CUI//CEII]**

Figure 4 - Comparison of Monitoring definition and Needs Assessment (2025-2019 ITPs)[222]

[BEGIN CUI//CEII]

[END CUI//CEII]

Finally, the interface likely driving the need for Crawfish appeared in the Needs Assessment of

[BEGIN CUI//CEII] [redacted] **[END CUI//CEII]** This historical data therefore demonstrates that "there has been an ongoing need in the SPS territory for years with frequent changes in forecasting and sub-optimal transmission solutions which has led to Crawfish Draw - Phantom 765 kV New Line being identified and issued far later than it should have."[225] Based on

[221] Konidena Affidavit at 14:6-14.

[222] *Id*.at 14.

[223] *Id*. at 16:3-9.

[224] *Id*.

[225] *Id*. at 17:13-16.

the above-outlined analysis, Witness Konidena concluded that Crawfish is not a short-term need unique to the 2025 ITP Assessment.

b. Seminole – Southwest Shreveport 765 kV New Line ("Seminole")

SPP established a June 1, 2028 need date for the Seminole project, for which Witness Konidena was similarly unable to corroborate.[226] SPP names **[BEGIN CUI//CEII]** [redacted] **[END CUI//CEII]** This shows that the economic need justification for the Seminole – Southwest Shreveport line which is represented by the monitoring of Pittsburg – Seminole line, was greater in 2024 ITP compared to 2025 ITP.[228] "But [there] were constraints with even higher congestion costs, [creating a question as to] why SPP picked only the Pittsburg – Seminole congestion cost to define as a need."[229]

Additionally, Witness Konidena could not verify the claimed need date for Seminole under the staging methodology prescribed by the ITP Manual. "The ITP Manual provides that reliability projects will be staged based on the year and season when the needs addressed by each project appear on the transmission system. Because June 1, 2028 falls after the 2025 ITP's year-two model (2026) and before its year-five model (2029), the need date appears to reflect a year-five need, for which "the staging process will use a linear interpolation to evaluate thermal loading or the per-

[226] Konidena Affidavit at 27:5-7.

[227] *Id*. at 27:14-16.

[228] *Id*. at 27: 16-20.

[229] *Id*. at 27:21-28:1.

unit voltage value of the season in which the violation appears and the previous year's model on record."[230] The STRP Report describes the drivers for Seminole as "limited transmission capacity into the load pocket causing instability, low voltages, congestion, and inlet and outlet limitations."[231] According to Witness Konidena, "Of these, only low or high voltages correspond to a per-unit voltage value the Manual's interpolation method can evaluate. Instability is not a thermal loading or per-unit voltage value. The Short-Term Reliability Project Report's discussion of stability performance compares the 765 kV and 345 kV alternatives under "severe P3-P6 contingencies" but does not explain that analysis to establish when the need arises, nor does the Short-Term Reliability Projects Report present year-two and year-five values for any driving violation, or the results of any interpolation."[232] Without any underlying values or methodology, it is "extremely difficult to trace which needs in the Needs Assessment are being invoked by SPP and therefore how the Short-Term Reliability need is justified."[233] Of final note, the issues likely driving the Seminole project showed up in the Needs Assessment of the **[BEGIN CUI//CEII]** [redacted][234] **[END CUI//CEII]** This reflects a similar pattern as Crawfish – that SPP has ignored an ongoing transmission issue only to now designate Seminole as Short-Term Reliability Project without adequate explanation.

c. Crosstown – Blue Valley Station New Line 161 kV ("Crosstown")

Witness Konidena was similarly unable to independently corroborate the claimed June 1, 2028 need date for the Crosstown project.[235] The Crosstown analysis is particularly noteworthy

[230] Konidena Affidavit at 28:4-12.

[231] *Id*. at 28:13-29:1.

[232] *Id*. at 29:1-7.

[233] *Id*. at 29:18-20.

[234] *Id*. at 29:21-30:2.

[235] *Id*. at 22:1-3.

because it exposes that SPP is not only inaccurate in its need date assessment, SPP is also not interpolating as the ITP Manual requires. According to Witness Konidena, SPP is instead extrapolating, which creates inaccurate assumptions.[236] In violation of the ITP Manual's requirement, "The needs assessment and STRP Report do not present the year-two and year-five thermal loading values or the interpolation results to justify a need within 3 years. It states only that the need date reflects "accelerated load growth in the Kansas City area that has outpaced previous forecasts and now requires timely action to maintain reliable service."[237] Load growth may explain why the overload exists, but it is not the interpolation the Manual prescribes for determining when the need arises. Without the year-two and year-five summer-peak loading values for the Crosstown – Grand Avenue West 161 kV line under the governing contingency, the claimed June 1, 2028 need date cannot be confirmed as the product of the Manual's staging methodology."[238] Based on Witness Konidena's own calculations using actual model-driven findings rather than an assumed reporting cut-off values, there is no near-term need for Crosstown.[239]

As we have also seen for both Seminole and Crawfish, the issues claimed to be driving Crosstown showed up in the Needs Assessment of **[BEGIN CUI//CEII]** [redacted]. **[END CUI//CEII]** Such data points show that the transmission need SPP now identifies as urgent first showed up five ITP cycles ago.[240]

[236] Konidena Affidavit at 22:4-6.

[237] *Id.* at 23:3-4.

[238] *Id*. at 22:17-23:4-9.

[239] *Id*. at 24:9-25:1.

[240] *Id*. at 25:4-26:2.

Once again, SPP is delaying designation, then suddenly asserting a near-term reliability need. In fact, the exact project as what is now the Crosstown Short-Term Reliability Project was identified and issued out of the 2018 ITPNT.[241] At the time, the project was rescinded due to "routing feasibility."[242] However, now that the project was identified again in a later ITP, "there was no commentary about why the project has not been previously identified per Tariff Attachment Y Section 1.3.b.ii."[243]

d. North Hays – Chetolah Creek 115 kV New Line ("North Hays")

Witness Konidena was additionally unable to corroborate the claimed November 18, 2025 need date for the North Hays project because SPP did not provide any planning data to enable a third party to make an independent review and verification.[244]

4. SPP violated Section I.3(b)(i) of Attachment Y for each of the Four Projects.

Under section I.3(b)(i) in Attachment Y, SPP must "Provide to stakeholders and post on its website **a full and supported written description explaining the decision** to designate the Transmission Owner pursuant to Section IV of this Attachment Y, including an explanation of other transmission or non-transmission options that the Transmission Provider considered but concluded would not sufficiently address the immediate."[245] For each of the Four Projects, SPP provided limited or no discussion of either alternative transmission solutions considered or non-transmission solutions considered.

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[241] "SPP developed the Transmission Owner Selection Process (TOSP) to competitively solicit proposals for projects that no longer have ROFR" available at, https://www.spp.org/engineering/transmission-owner-selection-process/ (last accessed Oct. 28, 2026).

[242] *See* SPP Board Meeting Packet for July 29, 2020, at p. 86, *avalable at* https://spp.org/documents/62814/bod%20mc%20minutes%2020200728.pdf (last accessed Oct. 28, 2026).

[243] Konidena Affidavit at 26:12-27:2.

[244] *Id*. at 27:5-7.

[245] Tariff Attachment Y, Section I.3(b)(i) (emphasis added).

According to Witness Caspary:

> Crawfish Draw – Phantom 765 kV and Crosstown – Blue Valley 161 kV represent the most blatant errors in not addressing this Tariff criteria. SPP staff's explanation for the need for Crawfish Draw – Phantom was not fully explained in the Short-Term Reliability Project Report, and in the separate ITP Report, they cited the reason being that the pre-existing issued 765 kV project was not able to meet its near-term need date, and another project was needed because the near-term need persisted. By all logic, this is unsound reasoning. Crosstown – Blue Valley 161 kV was identically issued out of the 2018 ITP Near Term, identified as eligible for competition but later rescinded due to "routing feasibility", and yet there was no discussion on the project's resurgence in the mandated Short-Term Reliability report.[246]

Additionally, "Seminole – SW Shreveport 765 kV also left the reader with no explicit discussion about the "surprise" of the Short-Term Reliability finding. All three yielded near impossible ability for an independent stakeholder to trace the needs and mimicking of the need date analysis to reach the same conclusion as SPP staff. The needs driving North Hays – Chetolah 115 kV were also posted in the 2024 ITP with a SPP staff invalidation reason for no project to address the need, but no commentary was provided in the Short-Term Reliability Project report about how the needs were previously identified but not acted upon."[247]

In his analysis, Witness Konidena did not find any such explanation in SPP's 2025 ITP Assessment or the STRP Report, nor could he find any discussion of alternative transmission or non-transmission options in the 277-page 2025 ITP Assessment report even though the ITP Manual version 3.2 Section 5.1.1.3 allows for such solutions to be considered.[248] "Specifically, Non-Transmission Solutions are defined as 'Non-transmission solutions are generally considered technologies and methods that can complement the transmission grid in a predictable way, and provide certainties required for planning purposes.' Flexible AC Transmission Systems (FACTS)

[246] Caspary Affidavit at 18:5-14.

[247] Caspary Affidavit at 18:14-21.

[248] Konidena Affidavit at 52:15-18.

and Power Flow Controllers (PFC) are examples of technologies that can be used as non-transmission solutions."[249]

Additionally, Witness Konidena does not believe SPP chose solutions that most directly address transfer stability limitations, especially between SPP and the New Mexico region.[250] As evidenced by his binding constraint analysis, Witness Konidena explains that "SPP knew that the ties to New Mexico were an issue as far back as 2018. Hence SPP's intention in the short-term reliability projects to strengthen the ties with New Mexico in 2025 is not justified because if there was a short-term reliability need that need should have been transparent as far back as 2018."[251] Witness Konidena continues: "If the import need was truly constrained by voltage stability, it is unclear why SPP did not more seriously pursue FACTS devices that could be implemented quicker than greenfield 765 kV as a supplemental answer to the overall reliability solution of long-term transmission plus near-term fixes."[252] In the AEP area, SPP identified economic needs in southeastern Oklahoma and voltage needs in eastern Texas in close proximity to the 2025 ITP Target Area, and also passed on making any solution recommendations for the Seminole – Pittsburg 345 kV in previous studies.[253]

Because SPP did not provide explanation of alternative solutions considered for each of the Four Projects, it facially violated Attachment Y, Section I.3(b)(i) of its Tariff. Practically, it appears SPP will continuously forgo non-transmission solutions when a need is first identified that could ameliorate a later need for a Short-Term Reliability Project designation. Not only is this

[249] Konidena Affidavit at 52:22-53:3.

[250] *Id*. at 64:9-10.

[251] *Id*. at 64:11-18.

[252] *Id*. at 64:15-18.

[253] *Id*. at 64:19-22.

economically impractical, it gives the appearance that SPP is intentionally picking a solution that will not meet the need, only to then claim that it needs even more transmission of that same kind (765 kV Short-Term Reliability Project) to impossibly fix the need SPP didn't fix the first time.[254] SPP's approach to Short-Term Reliability Project designations is precisely the risk that the Commission intended to avoid in creating its five criteria for short-term reliability exemptions. SPP's threshold requirement that a solution must be required to be in service in three years or less should ensure that the Commission mandate is met, if SPP actually applies the requirement.

5. SPP violated Section I.(3)(b)(ii) of Attachment Y for each of the Four Projects.

Section I.3(b)(ii) requires SPP "Provide to stakeholders and post on its website a full and supported written description explaining the circumstances that generated the immediate reliability need and an explanation of why that immediate reliability need was not identified earlier."[255] As explained above in subpart 2, SPP failed to establish that the Four Projects are needed in three years, let alone that the solutions can be in service in that time.[256] In doing so, SPP necessarily failed to explain valid circumstances generating an immediate reliability need, and of great importance, why that need was not identified earlier. As the data presented by Witness Konidena demonstrates, SPP historically overlooks reliability needs only to later hand them to incumbent utilities through a Short-Term Reliability Project designation based on claimed urgency. While the Commission may have had suspicions of such incumbent preferences and a culture of non-compliance in order to initiate the 2019 investigation into SPP's Short-Term Reliability Project designation approach, the Commission at that time was unable to find enough evidence to direct further changes at SPP. Now, however, this Complaint provides the Commission with the evidence

[254] Konidena Affidavit at 21:5-7.

[255] Tariff Attachment Y, Section I.3(b)(ii).

[256] *Supra* 53-57.

it previously lacked, namely, proof that SPP has violated its Tariff and that internal cultural practices within SPP will likely continue absent Commission intervention. SPP's conduct in its needs assessment methodology and Short-Term Reliability Project designations under yearly ITPs lacks consistency, basis, and the immediate need explanation owed to stakeholders under the Tariff. The evidence already described and the project-by-project descriptions below give the Commission the evidence it lacked in 2019 to find that SPP's application of the Short-Term Reliability Project exemption violates Attachment Y and creates an unjust and unreasonable result that harms consumers and is unduly preferential to incumbent utilities.

a. Crawfish

Witness Konidena's analysis uncovered a general lack of documentation or explanation of SPP's need date assertion, short of making of various assumptions.[257] For example, the 2025 ITP Report draft version 0.2 included "updated stakeholder information" that was presented at a Transmission Working Group meeting in October 2025.[258] Crawfish Draw - Phantom became critical once the Potter-Crossroads-Phantom (PCP) was delayed, and witness Konidena was unable to trace just what that updated stakeholder information was that delayed the in-service date for the Potter – Crossroads – Phantom line to 2031.[259] This delay was claimed to make the Crawfish project "critical" by summer 2026.[260] According to Witness Konidena, "the logic and rationale being presented for the near-term need of Crawfish Draw – Phantom solely because of this "updated information" is not credible.[261] SPP knew from the information given by its third-party

[257] Konidena Affidavit at 19:16-18.

[258] *Id*. at 18:8-11

[259] *Id*. at 18:11-19.

[260] *Id*. at 18:12-13.

[261] *Id*. at 19:6-21.

estimator that the project as a large, 765 kV greenfield transmission line would not be able to meet the declared 2026 need date, 8 months after the study was scheduled to conclude. SPP fully knew realistic lead times for 765 kV transmission and yet acted like the incumbent in-service date project was new information and the reason to issue yet another long-lead near-term needed project because the first long-lead project failed to meet the needs fast enough.[262] SPP's actions demonstrate precisely why the Tariff focuses on projects that are required to be in service in three years or less rather than a so-called "need" date.

Additionally, SPP references load shed events in the 2025 ITP Report, but makes no mention of load shed in the 2025 STRP Report. Such inconsistency leaves stakeholders to wonder whether real time operational load shed is one of the drivers for the Short-Term Reliability Project designation for the Four Projects and is, therefore, the actual source of the "near term need" designation.[263]

In the Short-Term Reliability Project description for Crawfish, SPP implies load shed by mentioning "voltage collapse" which on the surface may appear reasonable. But, SPP does not answer whether those potential voltage collapse conditions persist even when load decreased in the 2026 ITP Assessment. SPP mentions vaguely 'the overall reliability concerns identified remain largely unchanged' to justify that the Need for Crawfish Draw persists despite the forecast change. Next, SPP states 'the transmission reinforcements identified in the 2025 ITP Assessment continue to represent the most effective and necessary solution to address reliability and voltage stability challenges in the region,' which assures the reader that the need for Crawfish Draw continues to exist, but does not answer whether it is a STR time-sensitive need."[264] SPP then states "high

[262] Konidena Affidavit at 20:3-6.

[263] *Id*. at 30:8-14.

[264] *Id*. at 31:10-17.

amounts of emergency energy signify a **likely** reliability issue" but does not answer the question whether it is a short-term reliability time-sensitive need or a long-term reliability need.[265] Witness Konidena explains, "[T]o justify Crawfish Draw – Phantom 765 kV New Line, SPP stated that the 765 kV line "will provide substantial new transfer capability into the region, strengthen voltage stability, and significantly reduce the risk of cascading outages during high-demand or contingency events." Any new transmission line would provide additional transfer capacity and potentially strengthen voltage stability if the area that the line serves has voltage stability issues and as a result the risk of cascading outages will be reduced during contingency events. What is unclear from SPP's explanation is why is there a STR time-sensitive need."[266]

b. Seminole

In the Short-Term Reliability Project Report section on the Seminole project, SPP "again falls back on the voltage collapse/stability argument but never connects the dots on why a new 765 kV is a time-sensitive need.[267] SPP justifies a 765 kV solution is needed when it states "765 kV option maintained stronger dynamic response and voltage recovery under severe P3-P6 contingencies compared to the 345 kV alternatives" and "[w]ith over 2.5 GW of new load expected through the 2026 ITP Assessment, the 765 kV project offers capacity well beyond current needs, ensuring reliable service and operational flexibility as demand continues to rise."[268] Here, SPP admits to simply planning for the future, rather than for a time-sensitive reliability need as required by Attachment Y. In conjunction with the explanation found in the 2025 ITP Report, "it is not immediately apparent to the reader how a system with peak load greater than 56,000 MW is

[265] Konidena Affidavit at 31:20-32:2 (emphasis added).

[266] *Id*. at 32:5-12.

[267] *Id*. at 36:1-3.

[268] *Id*. at 36:3-8.

susceptible to load shed risk with 1,500 MW of additional load. Yes, transmission is needed, but SPP again does not answer why it is a Short-Term Reliability Project."[269]

c. Crosstown

In the 2025 STRP Report section on Crosstown, SPP states "the 161 kV line from Crosstown – Grand Avenue West experiences thermal overloads under several contingencies, including P3 events, the most severe being the loss of the Charlotte – Northeast 161 kV line," hence "SPP recommends constructing a new 161 kV line from Crosstown – Blue Valley Station" to maintain reliable service."[270] There is no mention of "load shed" in this description, and no further description of why reliability needs identified in previous ITP cycles are now immediate in 2025.

d. North Hays

In the 2025 STRP Report section on North Hays, SPP offers brief explanation that "a new 115 kV line from Chetolah Creek – North Hays provides an additional inlet path for the 115 kV system, relieving overloads, improving reliability for local load, and reducing the risk of cascading outages under contingency conditions."[271] Once again, SPP fails to mention load shed, or provide any other explanation for the urgency of this project. Though Witness Konidena explains that "the risk of cascading load" can imply load shed, that is likely not apparent to every stakeholder reading the report.[272]

6. Conclusion

[269] Konidena Affidavit at 37:2-5.

[270] *Id*. at 33:120-34:2.

[271] *Id*. at 35:4-7.

[272] *Id*. at 35:7-8.

In the 2025 ITP Report, SPP states that "deferred transmission investment leads to higher congestion costs, increased curtailments of low-cost generation, reduced resiliency during extreme events, and heightened reliability risks during peak conditions."[273] The Complainants do not contest this basic assertion regarding the transmission grid. The question here is whether there are **short-term** reliability issues that need immediate solutions that can be in service in three years or less. For the Four Projects here, SPP identified in previous years issues similar to the claimed issues driving these projects but chose not to act. Instead, SPP waited until the 2025 ITP and now claims the issues are immediate reliability issues; yet SPP selected solutions that are 4-8 years away. SPP defers projects until convenient, then classifies their need as immediate. Complainants' technical witnesses show that SPP has been historically slow to identify reliability needs and slow to proactively plan reinforcements that would obfuscate the need for a Short-Term Reliability Project determination.

SPP's response to its determined reliability needs "appear to be self-created," as SPP adheres to a sequence of "first identifying a need, then a slippage due to some unknown "updated stakeholder information" then, SPP identifying a Short-Term Reliability Project with a need as early as the following year.[274] Meanwhile, SPP's own operational criteria often shows that the flowgate underlying the Four Projects qualified as persistent operational need years before SPP designated the projects as Short-Term Reliability Project.[275] The need for the Seminole and Crawfish Draw projects first manifested multiple ITP cycles ago and continues to appear in subsequent ITPs, indicating that these needs are not "short-term" or unique to the 2025 ITP

[273] 2025 ITP Report at 18.

[274] Konidena Affidavit at 46:1-6.

[275] *Id*. at 42-48.

Assessment."[276] And, SPP 8 years ago identified the Crosstown project as needed, but then rescinded the project. SPP now offers no explanation of such designation, rescindment, and redesignation, but expects stakeholders to blindly accept the Short-Term Reliability Project designation now.

As Witness Allen conclusively determines based on experience in large transmission development, neither the Crawfish-or Seminole projects (765 kV) can be constructed or placed in service within three years.[277] Notwithstanding that fact, Witness Allen advances that "the existence of a near-term reliability need does not, by itself, establish that conducting a competitive solicitation would cause the projects to enter service later than they would under direct assignment."[278] SPP fails to justify its use of the Short-Term Reliability Project exception to avoid the competitive process, nor its assumption that the competitive process would delay in-service dates should the Four Projects not be directly assigned. Witness Konidena's comprehensive analysis shows that there is a lack of traceability from a reliability violation to a Short-Term Reliability Project designation, which runs contrary to the Short-Term Reliability Project limitations SPP must adhere to under Attachment Y. SPP leaves major gaps in its Short-Term Reliability Project designation analysis that underly the tariff violation: extrapolation or incorrect application of interpolation of needs occurred to determine the need date; changing ratings; load not forecasted in 10-year out models; changing monitoring definitions; and uncertainty of impact from load shed events on rating changes.[279] Each of these gaps cumulatively make the Short-Term Reliability Project need determination an inaccurate designation, thereby resulting in several

[276] Konidena Affidavit at 43-46.

[277] Allen Affidavit at 14:6-9.

[278] *Id*. at 15:2-5.

[279] Konidena Affidavit at 21-23, 30-35, 52-53, 79, 83.

violations of Order No. 1000 and Attachment Y. The Commission can and should act expeditiously to remedy SPP's 2025 ITP Portfolio's Short-Term Reliability Project designations.

The table below provides a summary of the specific tariff criteria as applied to each of the Four Projects.

Tariff Attachment Y, I.3 Requirement	**Crawfish Draw-Phantom 765**	**Crosstown-Blue Valley 161**	**N Hays – Chetolah Creek 115**	**Seminole-SW Shreveport 765**
3) For any upgrade meeting the specifications listed in Section I.1 of this Attachment Y, the Transmission Provider may designate the Transmission Owner(s) in accordance with Section IV of this Attachment Y if such upgrade is required to be in service within 3 years or less to address an identified reliability violation ("Short-Term Reliability Project"). To have a transmission project approved as a Short-Term Reliability Project, the Transmission Provider shall:	Cannot meet "the required to be in service within 3 years or less" criteria.	Cannot meet "the required to be in service within 3 years or less" criteria. This project has known constructability concerns.	Cannot meet "the required to be in service within 3 years or less" criteria.	Cannot meet "the required to be in service within 3 years or less" criteria.
a) Separately identify and post an explanation of the reliability violations and system conditions for which there is a time-sensitive need, in sufficient detail to allow stakeholders to understand the need and why it is time sensitive.	Cannot corroborate need date derivation - Y2 voltage collapse makes interpolation impossible	Cannot corroborate need date derivation - Y2 value unknown to create interpolation No explanation why a project identified in 2018 that was subsequently canceled ended up resurfacing in the exact same form	2020 needs posted that were not addressed until 2025 ITP.	Cannot corroborate need date derivation.

b) Provide to stakeholders and post on its website a full and supported written description explaining: i. The decision to designate the Transmission Owner pursuant to Section IV of this Attachment Y, including an explanation of other transmission or non-transmission options that the Transmission Provider considered but concluded would not sufficiently address the immediate reliability need;	No discussion of alternative transmission solutions considered. No explanation of non-transmission solutions considered.	Limited discussion of alternative transmission solutions considered. No explanation of non-transmission solutions considered.	Limited discussion of alternative transmission solutions considered. No explanation of non-transmission solutions considered.	Extremely limited discussion of alternative transmission solutions considered. No explanation of non-transmission solutions considered.
(b)(ii) The circumstances that generated the immediate reliability need and an explanation of why that immediate reliability need was not identified earlier.	Cannot corroborate need date derivation.	No explanation why a project first identified in 2018 resurfaced in 2025.	Partially met - continual operational violations present (i.e., recurring from 2021-2023) but the recurring needs were also somehow "not anticipated in previous assessment cycles"	Cannot corroborate need date derivation.
c) Permit stakeholders thirty (30) days to provide comments in response to the description required under Section I.3.b of this Attachment Y and make such comments publicly available.	Not challenging			
d) Maintain and post a list of prior year designations of Short-Term Reliability Projects. The list must include the Short-Term Reliability Project's need date and the date that the DTO actually energized the project. Such list must be filed with	Not challenging			

the Commission as an informational filing in January of each calendar year covering the designations of the prior calendar year.	
e) Obtain approval by the SPP Board of Directors.	Not challenging

B. REQUESTED RELIEF (FPA SECTIONS 206, 309).

1. FERC Should Direct SPP to Comply With Attachment Y, Revise the 2025 ITP Portfolio, and Expeditiously Initiate the Transmission Owner Selection Process to Competitively Select Developers for the Four Projects.

FERC's obligation upon demonstration of a Tariff violation is to direct compliance with the in-force Tariff. Sections 206 and 309 of the Federal Power Act require that the Commission provide consumers and affected parties with a remedy for the unjust and unreasonable transmission practices affecting rates. Here, such practice is the implementation of a Tariff provision in a manner inconsistent with the plain language of the Tariff. SPP failed to comply with Attachment Y, Section I.3, and the SPP Board sanctioned that violation. Contrary to SPP's use of the Short-Term Reliability Project designation in the 2025 ITP Portfolio to exempt several billion dollars in transmission additions from mandated competition, the history of the FPA "indicates an overriding policy of maintaining competition to the maximum extent possible consistent with the public interest."[280] Appellate and FERC precedent favors maximizing competition, not restricting it.[281] The existing application of the Short-Term Reliability Project designation Tariff requirements is in violation of the Tariff, and the SPP Board's approval of that violation produces unjust, unreasonable, and unduly discriminatory or preferential results. The Commission is thus obligated by Section 206 and Section 309 of the Federal Power Act to act.

As demonstrated herein and in the supporting affidavits, SPP violated its Tariff by designating the Four Projects as **Short-Term** Reliability Projects. To cure that violation, FERC's

[280] *Otter Tail Power Co. v. U.S.*, 410 U.S. 366, 374 (1973).

[281] *See Morgan Stanley Capital Grp. v. Public Util. Dist. No. 1 of Snohomish Cnty.,* 554 U.S. 527, 535-536 (2008) (cautioning against utilizing the transmission grid to "exert monopolistic influence over other areas"); *Grid Reliability & Resilience Pricing*, 162 FERC ¶ 61,012 at P 9 (2018) ("[F]or more than two decades now, support for markets and market-based solutions has been a core tenet of Commission policy."), *on reh'g*, 174 FERC ¶ 61,112 (2021)); *see also North Carolina State Bd. Of Dental Examiners v. FTC,* 574 U.S. 494, 504 (2015) (describing "the Nation's commitment to a policy of robust competition"); *see also Standard Oil Co. v. FTC*, 340 U.S. 231, 248 (1951) ("The heart of our national economic policy long has been faith in the value of competition.").

just and reasonable remedy would be for FERC to, based on the evidence in this Complaint, direct SPP to revise the 2025 ITP Portfolio, remove the violative Short-Term Reliability Project designations, and initiate the Tariff-required competitive solicitations for the Four Projects.[282]

2. FERC Must Take Any and All Actions Necessary to Ensure SPP Compliance with Tariff Attachment Y and Order No. 1000 on a Going Forward Basis.

This Complaint focuses on SPP's Tariff violation with respect to the Four Projects in SPP's 2025 ITP Portfolio's STRP designations. However, evidence herein also demonstrates that SPP simply may not be adhering to the plain language requirements in SPP's Tariff and Order No. 1000 for processing, reviewing, and applying the Short-Term Reliability Project exemption in SPP's annual transmission planning processes. The Commission previously investigated SPP's prior designation of Short-Term Reliability Projects in a Show Cause proceeding in Docket No. EL19-92-000 given the Commission's concern that SPP may have been implementing its immediate need exemption in a manner that was inconsistent with Commission directives, possibly constituting unjust, unreasonable, or unduly preferential action.[283] The Commission may have terminated that Show Cause proceeding in 2020, but subsequent SPP actions, as detailed in this Complaint, show that SPP is at risk of not complying with Attachment Y Section I.3, Order No. 1000, and Commission directives on the Short-Term Reliability Project exemption on a going forward basis.

[282] FERC has previously found that existing tariff/governing document requirements, such as the PJM Operating Agreement, plainly require certain action, and that the RTO must adhere to that plain language requirement in the governing document filed with FERC. *See Am. Mun. Power, Inc., Off. of the People's Couns. for the D.C., & the Pjm Indus. Customer Coal*., 188 FERC ¶ 61,055 (2024) (Complainants requested that the Commission immediately direct PJM to comply with the Operating Agreement's requirement that Designated Entities, including both incumbent transmission owners and nonincumbent transmission developers, execute a Designated Entity Agreement. The Commission initiated a paper hearing procedure to address which in-progress projects must comply with the Operating Agreement's requirement to execute a Designated Entity Agreement.).

[283] 2019 Order at P 1, Docket No. EL19-92.

Critically, nearly $5.4 billion is planned to be exempted from competition as Short-Term Reliability Projects in SPP's next planning cycle for the 2026 ITP.[284]

Given that SPP's internal processes, cultural norms, and ways of conducting business may have embedded unjust and unreasonable practices into standard operating procedures, the Commission must initiate any and all actions necessary to ensure SPP's strict compliance with Tariff Attachment Y and Order No. 1000 now and in the future. The Commission must ensure that SPP's internal and external processes adhere to the Tariff and to governing Commission orders seeking to ensure Board independence and protection of minority stakeholders. Section 35.28(g)(6) of the Commission's regulations require that FERC-jurisdictional RTOs adhere to the following criteria: 1) inclusiveness; 2) fairness in balancing diverse interests; 3) representation of minority positions; and 4) ongoing responsiveness.[285] For example, Commission Order No. 719 requires RTO stakeholder processes to ensure that minority views are heard and considered, especially the views of customers who benefit from and pay for electricity services.[286] A comment period regarding the 2025 Short-Term Reliability Projects designations may have been provided, but this Complaint demonstrates that the opportunity to be heard was illusory given the failure to consider and account for and address the feedback from minority stakeholders. Per Section 309 of the Federal Power Act, the Commission maintains wide discretion to issue the relief it deems necessary to address the Tariff violations demonstrated herein and to protect consumers and

[284] *See* Caspary Affidavit at 20, fn. 8; *see* 2026 ITP and CPP Transition Study, SPP MOPC Education Session (Sep. 11, 2026), *available at* https://www.spp.org/documents/77740/mopc education 2026 itp, 20260911.pdf (last accessed Oct. 27, 2026).

[285] 18 C.F.R. § 35.28(g)(6).

[286] *Wholesale Competition in Regions with Organized Electric Markets*, 125 FERC ¶ 61,071 at P 507 (2008) (ensuring protection of minority interests "to ensure that each RTO and ISO ensures that its practices and procedures for decision making consider and balance the interests of their customers and stakeholders, and ensures that no single stakeholder group can dominate.")

jurisdictional services on a going-forward basis. To the extent applicable, the Complaint requests a refund effective date (or remedy issuance) on the date of filing of this Complaint.

VI. OTHER REQUIRED INFORMATION FOR COMPLIANCE WITH RULE 206

A. Identification of the action or inaction (18 C.F.R. § 385.206(b)(1))

As discussed fully in the Complaint, the action violating the Commission's obligation to ensure just and reasonable transmission rates is the application by the SPP Board of the Short-Term Reliability Project exemption in violation of Attachment Y of the SPP Tariff.

B. Explanation of the Violation (18 C.F.R. § 385.206(b)(2))

As fully recounted in the Complaint, the Commission has made clear that Short-Term Reliability Project designations are meant to be applied in limited circumstances of immediate reliability need. In SPP's Tariff, that is defined as required to be in service in three years or less to address the reliability violation. The current application of the Tariff by SPP and the SPP Board of the Short-Term Reliability Project exemption violates the plain language of the Tariff. SPP's use of the short-term designation to exclude over $3.8 billion in transmission from competition is a direct and clear violation of the Tariff and an afront to Commission directives borne out of Order No. 1000 that incumbent preferences be removed. As outlined fully in the Complaint, the violation is the failure of SPP and the SPP Board to apply the Tariff and thus to ensure just and reasonable rates, as well as non-preferential practices in its designation of transmission projects as Short-Term Reliability Projects exempt from the competitive process. Such practice threatens competitive integrity in the transmission sector and directly affects the costs borne by ratepayers. The Commission is obligated by sections 206 and 309 to address these Tariff violations and ensure they result in just and reasonable rates.

C. Business, Commercial, Economic, or Other Issues Presented (18 C.F.R. § 385.206(b)(3))

Complainants represent large end-use consumers, consumer advocates, public interest organizations, nonincumbent developers, and thinktanks. As recognized by the Commission in Order No. 1920, the transmission component of a consumer's bill has been substantially increasing in recent years. Order No. 1920 found that "**transmission spending has continued to increase nationwide**."[287] The Commission recognized in Order No. 1920 that transmission costs have become an increasing share of customers' overall electricity bills, underscoring the importance of ensuring that transmission investments are efficient and cost-effective.[288] Transmission developers invested approximately $20-$25 billion annually in transmission facilities in the United States from 2013-2020.[289] The Commission found that the "record demonstrates that **transmission investment is likely to substantially increase in coming years**"[290] and there will be "**sustained transmission spending through at least 2050**."[291] In the absence of competitive solicitations, consumers will continue to be subjected to paying unjust and unreasonable rates associated with

[287] Order No. 1920 at P 92 (emphasis added).

[288] Order No. 1920 at P 92 (citing Resale Iowa Initial Comments at 3 ("[T]ransmission costs have comprised an increasing percentage of [] total wholesale electric costs [for Resale Iowa's members]. Currently, transmission and ancillary services constitute approximately 43% of such costs, as compared to 18.1% in 2009."); Industrial Customers Initial Comments at 5 (showing that transmission costs made up just 7% of the total PJM electricity bill in 2011 but 27% by 2020); Rob Gramlich and Jay Caspary, Americans for a Clean Energy Grid, *Planning for the Future: FERC's Opportunity to Spur More Cost-Effective Transmission Infrastructure*, at 26-28 (Jan. 2021), https://cleanenergygrid.org/wp-content/uploads/2021/01/ACEG_Planning-for-the-Future1.pdf (ACEG Jan. 2021 Planning Report) (stating that the current approach to transmission planning "results in higher total energy bills for customers than would result from more forward-looking, holistic transmission planning"); *see also* California Municipal Utilities Initial Comments at 10 (projecting that between 2022 and 2040, total high and low-voltage transmission access charges will nearly double and noting that "[g]one are the days when transmission was a *de minimis* portion of the overall bill and increases had little impact on the end consumer"); Public Systems Initial Comments at 5 (noting that "New England's Regional Network Service transmission rate has grown *nine-fold*, from $15.60 per kW-year (in 2003) to $140.98 per kW-year (in 2021)")).

[289] Order No. 1920 at P 92 (citing (citing Brattle-Grid Strategies Oct. 2021 Report at 2; Brattle Apr. 2019 Competition Report at 2-3 & fig.1.).

[290] Order No. 1920 at P 93 (emphasis added).

[291] Order No. 1920 at P 93 (emphasis added).

projects that have not been independently determined to be the most efficient and cost-effective solution to solving the alleged need.

D. Quantification of the Financial Impact or Burden Created for the Complainants and the Practical, Operational, or Other Nonfinancial Impacts Imposed as a Result of the Action (18 C.F.R. § 385.206(b)(4), (5))

Pertinent to the Commission's statutory consumer protection mandate, when competition has occurred, transmission developers (including incumbent developers forced to compete) have offered consumer beneficial terms and conditions to transmission development and ownership that are absent when projects are just handed to incumbent developers.[292] As such, the experience since Order No. 1000 demonstrates that competition helps ensure that transmission rates are just and reasonable.[293] Further, the Commission has found that the contractual agreements arising through the Order No. 1000-mandated competitive processes themselves provide consumer benefits above and beyond any obligation arising from transmission owner agreements.[294] The Commission was clear in Order No. 1000 that the need for a competitive test to ensure just and reasonable rates crossed all transmission drivers, rejecting calls for an exclusion for reliability projects,[295] and extending the competitive requirement to projects needed to meet public policy requirements.[296] FERC's national directive in Order No. 1000 to remove anti-competitive, self-granted, incumbent preferences applies fully to an RTO's transmission planning processes. Experience since Order No. 1000 has also borne out the Commission's observation that it is not in the economic self-

[292] *See* R Street Study at 35-36; *see also* "Cost Savings Offered by Competition in Electric Transmission," The Brattle Group, April 2019 at 39-44.

[293] *See* "Reply Comments of the Electricity Transmission Competition Coalition," at Docket No. RM21-17-000, filed on November 30, 2021, starting at 21.

[294] *PJM Interconnection, L.L.C.,* 164 FERC ¶ 61,021, at P 2, 33-48 (2018)) (the competitive developer agreement in PJM is more stringent than Consolidated Transmission Owners Agreement); *see also American Municipal Power Inc. et al. v. PJM Interconnection, L.L.C.*, 188 FERC ¶ 61,055 (2024).

[295] *See* Order No. 1000 at P 266; Order No. 1000-A at P 428.

[296] *See* Order No. 1000 at P 166.

interest of incumbent transmission providers to permit new entrants to develop transmission facilities, even if (or because) proposals submitted by new entrants would result in "a more efficient or cost-effective solution to the region's needs."[297]

In its comments to the SPP Board, Viridon included the below chart emphasizing ratepayer exposure in the amount of nearly $2 billion associated with the 2025 STR portfolio.[298] Notably, this cost impact only pertains to the capital cost of the project not inclusive of all ratemaking incentives which overall increases the project cost and the impact of direct assignment.

Table 7. Direct Assignment Cost Risk

Project[36]	Capital Estimate w/20% Increase ($M)	Capital Estimate w/30% Decrease ($M)	Cost of Direct Assignment ($M)
Crawfish Draw - Phantom 765 kV	1,639.6	956.4	683.2
SW Shreveport - Seminole 765 kV	2,846.6	1,660.5	1,186.1
Crosstown - Blue Valley 161 kV	26.0	15.1	10.8
N Hays - Chetolah 115 kV	28.0	16.3	11.7
TOTAL			+1,892

In estimating the financial impacts on consumers associated with SPP's decision-making process, Complainants can, assuming a conservative 20% savings associated with the competitive transmission process, ascertain approximately $600,000,000 in savings if the $3.8 billion project cost estimate for the Four Projects is reduced by 20% to $2.4 billion.

Complainants also incorporate by reference the extensive reports, evidence, affidavits, protests, and comments demonstrating the value of FERC-jurisdictional competitive solicitations processes in SPP in FERC Docket No. EL26-58-000.

[297] *See* Order No. 1000 at P 256. The Commission reached that conclusion based on a long history of utilities acting in their economic self-interest.

[298] *See* Attachment D, Viridon Comments at 6.

E. Other Pending Proceedings (18 C.F.R. § 385.206(b)(6))

To the best of Complainants' knowledge, the issues raised in the Complaint are not pending in an existing FERC proceeding or a proceeding in any other forum. Complainants note that the Commission did investigate similar concerns around SPP's prior designation of Short-Term Reliability Projects in a Show Cause investigation in Docket No. EL19-92-000. However, that proceeding has since terminated.

F. Relief Requested (18 C.F.R. § 385.206(b)(7))

The requested relief is detailed in Section V.B.

G. Attachments and Exhibits (18 C.F.R. § 385.206(b)(8))

Evidentiary support for the Complaint is included within the body and footnotes of this Complaint, including several active web links. The following items are included as exhibits:

- Exhibit A (Affidavit and Exhibits of Jay Caspary)
- Exhibit B (Affidavit and Exhibits of Rao Konidena)
- Exhibit C (Affidavit of Richard Allen)
- Exhibit D (Comments submitted to 2025 SPP ITP Portfolio)
- Exhibit E (2025 Short-Term Reliability Report)
- Exhibit F (2025 Integrated Transmission Planning Report)
- Exhibit G - Comments in Support of Transmission Competition from Legislators and State Entities in SPP States

H. Other Processes to Resolve Complaint (18 C.F.R. § 385.206(b)(9) & (10))

Neither ETCC nor IECA used FERC's informal dispute resolution procedures. However, ETCC members were actively involved in the SPP stakeholder process regarding SPP's planning and approval of Short-Term Reliability Projects under the 2025 Integrated Transmission Planning

("ITP") portfolio. ETCC and individual ETCC members submitted comments to the SPP urging SPP to not approve the Four Projects as Short-Term Reliability Projects. SPP remained unresponsive to the concerns raised by ETCC and several consumer and public interest organizations. Accordingly, ETCC does not believe that any alternate dispute resolution would be timely, effective, or a constructive use of party resources. Counsel for ETCC and IECA provided SPP's Executive Vice President Regulatory Policy and General Counsel with advance notice of this Complaint the day prior to filing.

I. Notice of Complaint (18 C.F.R. § 385.206(b)(10))

A form notice of Complaint is appended to the Complaint at Attachment 1.

J. Rule 206(b)(11): Need for Fast Track processing and why the standard processes are not adequate.

The Complainants respectfully request Fast Track processing and that the Commission act on this Complaint expeditiously. ETCC and IECA respectfully request the expeditious issuance of an order granting the Complaint prior to the formal assignment of the underlying challenged projects that is set to occur in early February 2027. The Commission should expedite its review of this Complaint to prevent direct assignment of $3.8 billion in interstate, FERC-jurisdictional transmission projects outside of a competitive solicitation process that would otherwise have occurred under the SPP Tariff. Expeditious action on this Complaint is consistent with the Commission's statutory obligation to prevent consumers from paying excess rates for jurisdictional services and to ensure that all jurisdictional rates are just and reasonable. The Commission exercises regulatory oversight over SPP and must ensure that SPP's practices affecting rates adhere to SPP's Tariff and all relevant Commission orders, including Order No. 1000.

K. Rule 206(c): Service of the Complaint on the Respondent, Affected Regulatory Agencies, and Others the Complainant Reasonably Knows may be Expected to be Affected by the Complaint

A copy of this Complaint and all exhibits has been served in accordance with Section 206(c), including service on the following Corporate Officials designated on the Commission's website to receive service for SPP:

Lanny Nickell President and Chief Executive Officer Southwest Power Pool, Inc. 201 Worthen Drive Little Rock, AR 72223-4936 Telephone: 501-614-3232 Fax: 501-482-2022 Email: lnickell@spp.org	Paul Suskie Executive Vice President Regulatory Policy and General Counsel Southwest Power Pool, Inc. 201 Worthen Drive Little Rock, AR 72223-4936 Telephone: 501-688-2535 Fax: 501-482-2022 Email: psuskie@spp.org
Tessie Kentner Director & Associate General Counsel Southwest Power Pool, Inc. 201 Worthen Drive Little Rock, AR 72223-4936 Telephone: 501-688-1782 Fax: 501-482-2022 Email: tkentner@spp.org	Christopher M. Nolen Director & Associate General Counsel Southwest Power Pool, Inc. 201 Worthen Drive Little Rock, AR 72223-4936 Telephone: 501-482-2394 Fax: 501-482-2022 Email: cnolen@spp.org

VII. CONCLUSION

WHEREFORE, for the reasons raised herein, Electricity Transmission Competition Coalition and the Industrial Energy Consumers of America request that the Commission grant this Complaint and find that SPP violated its Tariff and Section 206 of the Federal Power Act in its designation of the Four Projects in the 2025 ITP portfolio as Short-Term Reliability Projects. In the imposing of a just and reasonable remedy, the Commission should require SPP to reevaluate the 2025 ITP process in accordance with Attachment Y of the SPP Tariff, direct a competitive solicitation process for those Four Projects, and take all actions necessary to ensure SPP compliance with Tariff Attachment Y and Order No. 1000 on a going-forward basis.

Respectfully submitted,

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

Dated: October 28, 2026

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing document and attachments to be served electronically on the Respondents to the individuals listed on the Commission's Corporate Officials List and interested persons, in accordance with 18 CFR § 385.206(c).

/s/ Rebecca Kimmel

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

Dated: October 28, 2026

ATTACHMENT 1

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

The Electricity Transmission Competition Coalition, and Industrial Energy Consumers of America	)	
Complainants	)	Docket No. EL27-_____
v.	)	
Southwest Power Pool, Inc.	)	
Respondent	)	

Expedited Consideration and Fast Track Processing Requested

NOTICE OF COMPLAINT
(October 28, 2026)

Take notice that on October 28, 2026, the Electricity Transmission Competition Coalition and the Industrial Energy Consumers of America (collectively, "the Complainants") filed a formal complaint against Southwest Power Pool, Inc. Sections 206, 306 and 309 of the Federal Power Act, 16 U.S.C. §§ 824eand 825h and 18 C.F.R. § 385.206 (2019), requesting that the Commission find that SPP violated Attachment Y of its Open Access Transmission Tariff by designating four transmission projects as Short-Term Reliability Projects in the 2025 Integrated Transmission Planning ("ITP") portfolio. The Complaint requests a refund effective date on the date the Complaint is filed.

Complainants certify that copies of the Complaint were served on contacts for the public utilities and transmission providers as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. §§ 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondents' answers and all interventions, or protests must be filed on or before the comment date. The Respondents' answers, motions to intervene, and protests must be served on the Complainant.

The Commission encourages electronic submissions of protests and interventions in lieu of paper using the "eFiling link at http://www.ferc.gov. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426.

This filing is accessible on-line at http://www.ferc.gov, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, D.C. There is an "eSubscription" link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 p.m. Eastern Daylight Time on November 17, 2026.

Debbie-Anne A. Reese
Secretary