ISSN 2377-8016 : Volume 2023/Issue 40 ■ October 3, 2023

RTO Insider

YOUR EYES AND EARS ON THE ORGANIZED ELECTRIC MARKETS

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Your Eyes and Ears on the Organized Electric Markets

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CAISO/West News

ISO/RTO Execs Talk Reliability and Resource Mix at House Hearing

ISO/RTOs Emphasize Need for Planning, Coordination

By James Downing

Senior executives from all seven ISO/RTOs on Thursday discussed how the changing resource mix is impacting reliability during a hearing of the House Energy and Commerce Subcommittee on Energy, Climate and Grid Security.

"The nation is facing an electric reliability crisis and the nation's grid operators are not equipped to address that alone," subcommittee Chair Jeff Duncan (R-S.C.) said. "Federal tax subsidies and state policies designed to prop up renewables and EPA regulations targeting coal and natural gas power plants continue to lead to premature retirement of the nation's most dependable generation sources. As a direct result, grid operators have issued unprecedented warnings and pleas to conserve energy and prepare for blackouts."

Democrats also seek to maintain reliability and keep electricity affordable, said subcommittee Ranking Member Diane DeGette (D-Colo.). Reliability will only become more important as climate change leads to more extreme weather, she said.

"As the impact of the climate crisis grows, reliability may literally be the difference between life and death," DeGette said. "Losing power during extreme heat or extreme cold events is life-threatening. And so, we must ensure that we have the assets and infrastructure to ensure reliability even as the climate changes."

Need for Planning

A common theme across most of the ISO/RTO testimony was that while the transition toward more renewables and generally a cleaner grid presents new reliability challenges, they can be overcome with enough planning.

"This is a monumental task, and it requires four critical pillars to provide a robust foundation for the transition," said ISO-NE CEO Gordon van Welie. "New England will need to add significant amounts of clean energy, ensure we have sufficient flexible resources to balance the renewable energy, ensure that we have sufficient backup energy for those periods when renewables cannot perform and … further build out the region's transmission infrastructure."

New England was not alone in that perspective, with MISO Senior Vice President Todd Ramey testifying that the grid operator has seen no-carbon resources like wind go from 0% of its generation in 2005 to 25% today. He said the trend has been accelerating lately and MISO expects 85% of its generation will be from wind, solar or battery storage by 2040.

"The growth in weather-dependent resources has occurred in parallel with the retirement of significant amounts of dispatchable generators, primarily coal, gas and nuclear resources," Ramey said. "These investment and retirement decisions in combination with the different operating characteristics of the new resources versus the retiring resources [have] reduced the reserve margins in the MISO footprint to the minimum required levels."

Other markets are looking to the future and worry they might get down to the bare minimum levels of resource adequacy.

ISO-NE appears to have sufficient RA through this decade, van Welie said, with a look ahead to 2027 showing the system could handle projected demand thanks in part to growth in solar power, which helps even in the winter. The situation becomes more precarious in 2032, but van Welie said that could be handled with proactive planning.

PJM sees the same issues with growing renewables and retiring traditional power plants. Conventional plants not only contribute to resource adequacy, but also provide other grid services, said RTO Senior Vice President Stu Bresler.

"Policies and consumer choices are shifting the grid away from dispatchable emitting generation resources toward resources with little to no carbon emissions, much of which is intermittent generation like wind and solar," Bresler said. "As generation resources retire, competitive markets have in the past and will continue to work to incentivize replacement generation."

The market helped replace tens of thousands of megawatts of retiring coal plants with natural gas-fired units in recent decades and Bresler said that experience could be repeated with the shift to renewables; for now, the RTO has a healthy reserve margin of about 20%. That could be complicated by rising demand growth from data centers and longer-term issues such as electrification, coupled with a rapid retirement of additional dispatchable power plants due to federal and state policies.

Renewables are coming online, but at a slower pace than retirements, and they often lack the kind of critical services traditional power plants produce, Bresler said.

Ramey said MISO has about 50 GW of resources with approved interconnection requests that are, on average, running about two years behind schedule.

ISO-NE CEO Gordon van Welie, Southwest Power Pool Executive Vice President Paul Suskie and NYISO CEO Richard Dewey testify before the committee on Sept. 28. | *House Energy and Commerce Committee*

CAISO/West News

Developers of those projects have told MISO that many have run into supply chain issues and delays in the permitting process, he added.

'Greater Coordination'

While most grid operators pointed to the reliability challenges around the timing of the changing resource mix, Neil Millar, CAISO vice president of transmission planning and infrastructure development, noted one of the issues those clean energy policies are seeking to address.

"Our reliability challenges have been primarily impacted by the wider range of extreme weather events that are largely attributable to climate change," Millar said.

The rest of the Western Interconnection has been dealing with that same issue, but CAISO and other balancing authorities in the region have been able to support one another and make it through challenging conditions with relatively minor disruptions to service.

"Beyond greater coordination in resource commitment and dispatch to support transmission operations, significant opportunities also exist to coordinate resource adequacy programs, resource planning decisions and deployment of transmission infrastructure across the western region," Millar said. "Working collaboratively with our partners in the West will allow us to unlock these opportunities for the benefit of customers."

The grid's transition has also left it more dependent than ever on the natural gas system. Rep. Frank Pallone (D-N.J.), ranking member of the full committee, asked whether the executives testifying supported the idea of a mandatory reliability regime for natural gas.

"I think it's imperative that we have better oversight of the reliability of the gas system," van Welie said. "Because I think we should stop thinking about these systems as independent of each other. They're totally interdependent, and what impacts the one system will impact the other. So, I sort of find it ironic that we've got all of this oversight of the electric system as a result of the 2003 blackout, but the biggest single source of energy to the electric system doesn't have comparable oversight." ■

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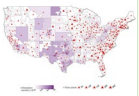

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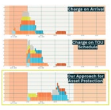

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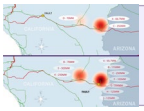

NERC: Battery Facilities Also Vulnerable to Inverter Faults — ERO Insider

House E&C Members Grill HECO CEO About Maui Fires — ERO Insider

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CAISO/West News

New Mexico Contemplates Organized Market Choice

Direction Could Come Down to Tx Connectivity, Decisions of Others, Utility Reps Say

By Elaine Goodman

When it comes to choosing one of the two competing Western day-ahead market offerings, who else is participating in the market is a key consideration, a representative of a New Mexico utility said last week.

The New Mexico Public Regulation Commission (PRC) held a workshop on Sept. 21 to discuss the pros and cons of utility participation in a regional day-ahead market or RTO. The discussion came as CAISO prepares to roll out its extended day-ahead market, in competition with SPP and its Markets+ offering.

Kelsey Martinez with the Public Service Company of New Mexico (PNM) said during the workshop that both market operators are "proven," and PNM believes the two offerings would provide similar benefits.

"Less and less of the decision feels about the market operator and the market design," said Martinez, who is PNM's RTO and markets manager. "And more and more of it feels really about who's in the market with you. So which resources are in the market, which transmission is in the market, what loads are in the market."

In written comments to the commission, PNM was even more specific, saying "existing market transmission connectivity represents the largest deciding factor in choosing a day-ahead market."

PNM said it currently has the most market transmission connectivity with Arizona Public Service. PNM expects to select a day-ahead market in 2024.

PNM also worked with consultant Energy and Environmental Economics (E3) to look at the impact of market seams between New Mexico and Arizona. The utility defined seams as areas where entities that share transmission connectivity are in different market footprints.

"For PNM … [the study] showed a large reduction in benefits when seams exist between Arizona and New Mexico," the utility said in its comments.

PNM noted that it won't know what transmission connections will be in each footprint until other utilities reveal their day-ahead market choices.

The E3 analysis was a follow-up to a report the consultant prepared for the Western Markets Exploratory Group, looking at the impact of different market footprints on WMEG member benefits.

Moving Renewables to Market

In August, the PRC opened a docket to establish "guiding principles" for participation in a regional day-ahead market or RTO by two investor-owned utilities in the state, PNM and El Paso Electric. (See *NM Commission to Set Standards for RTO, Day-ahead Participation*.)

PNM has been participating in CAISO's Western Energy Imbalance Market (WEIM) since 2021 and El Paso Electric joined the WEIM this year.

Last week's workshop was scheduled as part of PRC's guiding principle development. In addition, PNM, El Paso Electric and other stakeholders filed lengthy written comments answering questions posed in the commission's initial order opening the docket.

Some stakeholders used the workshop as an opportunity to make a pitch for a Western RTO.

"Moving forward in the stepladder of market opportunities before us is good, but stopping short of a full RTO leaves real opportunity on the table," said Rikki Seguin, executive director of the Interwest Energy Alliance.

Interwest is an advocacy group that represents utility-scale renewable energy developers in six Western states. For the renewable industry, "getting to the benefits of centralized transmission planning and cost allocation is key," Seguin said.

To meet state policy goals, the West will need to add 9 GW of renewable energy each year starting in 2026, Seguin said, citing data from Energy Strategies' Western Flexibility Assessment.

New Mexico is well-positioned to help satisfy that demand, she said, with its "world class" solar and wind resources.

But "absent the transmission planning … it's going to be really hard to move those renewables to market," Seguin said.

Bifurcation Challenges

Public interest group Western Resource Advocates (WRA) also weighed in on the regional market issue in written comments and with a presentation during the PRC workshop.

WRA said a single, large-footprint market would provide the most economic, environmental and reliability benefits to New Mexico. In terms of challenges arising from regional markets, WRA said one of the largest would be a bifurcation of day-ahead energy markets and their impact on efficient clean energy dispatch and economic gains from the WEIM.

In addition, WRA is concerned about New Mexico utilities' decision-making process for joining a market.

"The choice to join a regional market … should not be based on grounds of expediency to satisfy an adjoining utility that it relies on for transmission access and dispatch," WRA said in written comments. ■

A Western RTO would help New Mexico renewables such as solar energy reach regional market participants, RTO proponents said during a workshop last week. | *PNM*

CAISO/West News

CAISO Proposal Seeks to Address Interconnection Backlog

Proposal Adds Process for Outside-of-priority-zone Interconnection Requests

By Elaine Goodman

As CAISO grapples with an "unprecedented" surge in interconnection requests, the system operator has proposed prioritizing requests in zones where transmission capacity now exists or is under development.

The "zonal approach" is outlined in a *straw proposal* CAISO released Sept. 21 as part of its 2023 Interconnection Process Enhancements (IPE) initiative.

CAISO has been overloaded with interconnection requests resulting from the rapid pace of clean energy development in California as the state works toward a goal of 100% clean energy by 2045.

The most recent group of interconnection requests, Cluster 15, included about 544 requests totaling around 354 GW. That compares to 150 requests in 2020 and 373 requests in 2021.

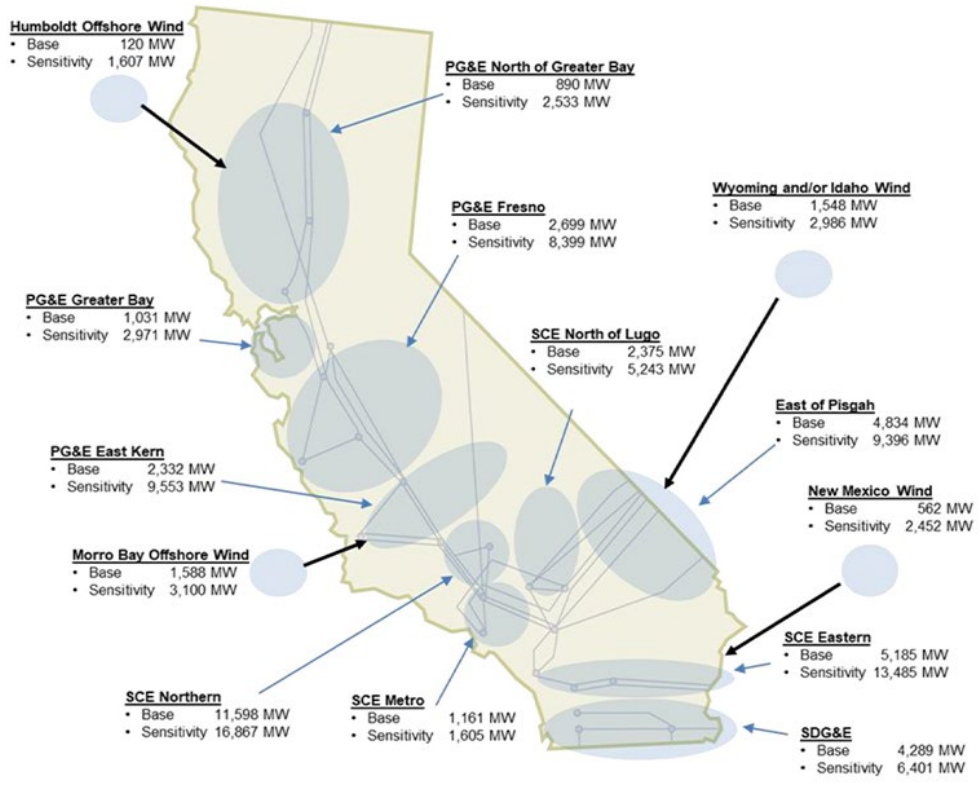
CAISO said the increased number of requests is "unsustainable" and has overwhelmed existing processes.

"The ISO needs a significantly reformed structure to advance viable projects and prevent stagnant projects from hindering the progress of viable projects in the queue," CAISO said.

In response, the straw proposal lays out a "significantly reformed interconnection process" aimed at promoting "rapid deployment of new generation for reliability, affordability and decarbonization."

Zones, Scoring and Auction

CAISO calls the zonal approach a "central tenet" of its straw proposal. The ISO said its 2022/23 transmission plan took a zonal approach to planning for the resources in the portfolio provided by the California Public Utilities Commission for that cycle, "setting the foundation for the alignment of procurement and interconnection process enhancements."



Map shows the transmission zones and the installed capacity of resources in the CPUC's base and sensitivity portfolios for the 2022/23 transmission planning cycle. The transmission zones are aligned with the transmission interconnection areas used in the generation interconnection process. | *CAISO*

Under the proposal, projects in zones with available transmission capacity would be prioritized to move into the study process.

CAISO noted the importance of publicly providing information on the priority zones before opening an interconnection request window, such as a heatmap showing available transmission capacity. A heatmap is one of the requirements of FERC Order 2023, issued in July, regarding interconnection reform. (See *FERC Updates Interconnection Queue Process with Order 2023*.)

In another proposal, CAISO would use a scoring system in situations where the capacity of interconnection requests exceeds the available transmission capacity within a zone by more than 150%. Scoring criteria might include interest from an offtaker, permitting status and commercial readiness.

In some cases, CAISO would also conduct an auction in which winners would be prioritized and studied in a certain zone. The auction would occur when proposed capacity exceeds the capacity limit for a zone, after viability criteria are applied.

CAISO said an auction process may be needed "to achieve manageable queue volumes and preserve the competition of viable projects in each zone." The ISO acknowledged that the auction proposal raised a number of stakeholder questions, including how the auction proceeds would be spent.

Interconnection Option B

The proposal also includes a process, called Option B, for requests to interconnect outside of priority zones. Those projects would be required to pay for needed network upgrades.

CAISO held a series of stakeholder meetings over the summer to come up with ideas for addressing the high volume of interconnection requests. (See *CAISO Tries to Shake up Its Interconnection Process*.)

Comments on the new straw proposal are due Oct. 12. After that, CAISO will release a second draft, followed by another round of comments. The proposal is expected to go to the CAISO Board of Governors for approval in February.

The straw proposal is part of Track 2 of the *2023 IPE initiative*. Track 1 involved changes to the Cluster 15 study schedule that were approved by the Board of Governors in May. ■

ERCOT News

ERCOT Technical Advisory Committee Briefs

Members Ease State-of-charge Requirements for Batteries Involved in AS

ERCOT stakeholders on Sept. 26 approved a protocol change to the minimum state of charge (SOC) for energy storage resources participating in two of the grid operator's ancillary services.

Staff are proposing to change the minimum SOC requirements for ERCOT contingency reserve service and nonspinning reserve service to slope from the full hourly amount of MW down to zero at the end of the hour. ERCOT says this will resolve the nodal protocol revision request's "stranded energy" issue during scarcity conditions, which caused the Board of Directors to remand it back to the Technical Advisory Committee.

The directors sent *NPRR1186* back to the committee during its August meeting, asking staff and members to address stranded energy associated with the proposed minimum SOC requirements for ECRS and non-spin during scarcity situations. The measure is seen as a stopgap until real-time co-optimization is added to the market in several years. (See "NPRR1186 Remanded to TAC," *ERCOT Board of Directors Briefs: Aug. 30-31, 2023*.)

Technical Advisory Committee members kick off their September meeting. | *ERCOT*


Dan Woodfin, ERCOT | *ERCOT*

"I think it solves the problem we were asked to solve," Dan Woodfin, ERCOT's vice president of system operations, told TAC on Sept. 26.

However, Woodfin said ERCOT is concerned that a battery participating in nonspin may by completely discharged for future hours and not be able to charge as needed. He said staff will recommend to the board that more NPRRs be drafted to add compliance and financial penalties related to failures to provide ECRS or nonspin under a mechanism that applies to other resources.

"We've got to make sure that we're enforcing the right level of compliance around that," he said. "Potentially, we would disqualify resources for repeated failure to perform or if they don't perform when they're deployed during a grid emergency or other event. We'll put a little more structure around it before then."

Woodfin said the change to failure-to-provide would only add "additional consideration that are the unique technical characteristics of batteries." He promised fleshed-out NPRRs for the board's December meeting.

Public Utility Commissioner Jimmy Glotfelty called into the meeting to gently dispute Woodfin's contentions. He said ERCOT staff are "barking up the wrong tree," and he encouraged them to think differently about the issue.

"You want to control when you want to control them ... which is you want [batteries] to look like a coal plant," Glotfelty said. "If you're doing these penalties associated with this, why do you even need to know the state of charge? You're putting bootstraps and suspenders on something that is not necessary, because the penalty structure within ERCOT will be enough for the market to solve this problem."

Woodfin responded that ERCOT doesn't want to "just assess whether someone has the capability of providing the service when we actually need it."

"We're spending a whole lot of time and effort on an interim measure that should be resolved with [real-time co-optimization]," Glotfelty said. "You're not going to get any more reliability about the fact that whether you know a state of charge or not, and it's discriminatory. So y'all can go about your process, but as it comes down to me at the commission, that's where I stand."

Baker Botts attorney Juliana Sersen, representing storage developer Eolian, reiterated her client's stance opposing NPRR1186 in its current form. Eolian has been joined by other storage developers in pushing back against the measure.

"Even if the battery does not fail to provide or if the battery's [qualified scheduling entity] moves its ancillary service resource responsibility to another resource, we continue to believe that such compliance metrics are unnecessary and discriminatory," she said.

TAC endorsed the NPRR in a 29-1 vote. Competitive retailer AP Gas & Electric was the lone member to vote against the motion.

IBR Change Set Aside

The committee agreed with ERCOT staff to table a nodal operating guide revision request after Woodfin said the version approved by a TAC subcommittee does not resolve the reliability risk as originally intended.

"We feel that additional data would be helpful to further consideration by TAC and the board," he said. "We want *NOGRR245* to include

ERCOT News

requirements that improve the reliability of the system, maintain the current reliability ... but do so in a way that's technically feasible and that we're not asking folks to do things that they just technically cannot do."

Staff said they intend to issue requests for proposals to inverter-based resources (IBRs) and the original equipment manufacturers to provide comments for TAC's *Oct. 24 meeting*.

The NOGRR would replace the current voltage ride-through requirements for intermittent renewable resources (IRRs) with IBRs' ride-through requirement. The change would be consistent with or beyond requirements identified in the new Institute of Electrical and Electronics Engineers (IEEE) standard for IBRs' interconnection and interoperability.

Eric Goff, holding NextEra Energy Resources' proxy for much of the discussion, urged TAC to consider changing the compliance date for new resources to earlier than 2024 while providing some exceptions based on details to be determined. He also called for tightening up the technical feasibility sections.

"We're happy to work on additional changes," he said.

"I always believe we come up with a better product when we work together," ERCOT's Stephen Solis said.

LP&L's Final Transition Delayed

Oncor's Debbie McKeever, chair of the Retail Market Subcommittee, told TAC the final 30% of Lubbock Power & Light's load, about 201 MW, is on track for a mid-December transfer into ERCOT.

The transfer hinges on FERC's approval of a settlement agreement between LP&L and Xcel Energy subsidiary Southwest Public Service Co. (SPS), which has long held a contract to serve the city's load.

Last month, an administrative law judge certified an *uncontested settlement offer* between LP&L, Xcel, Golden Spread Electric Cooperative and several New Mexico cooperatives. LP&L and SPS agreed to pay the cooperatives $6.38 million, while the Lubbock utility will pay SPS either $77.5 million in a lump sum or six annual installments of $14.95 million for early termination of a partial requirements agreement (ER23-1144).

The commission is expected to rule on the settlement by early December.

LP&L moved 70% of its load out of SPP in 2021, six years after it announced its intentions to join ERCOT's competitive market. Texas regulators approved the transition in 2018. (See *Six Years in the Making: LP&L Migrates Load to ERCOT*.)

RTC+B Group Gets Leadership

The TAC's unanimously approved combination ballot resulted in the approval of leadership for the Real-time Co-optimization + Battery Task Force. ERCOT's Matt Mereness will chair the group, and CPS Energy's David Kee will be vice chair.

The ballot also included tabling a planning guide revision request (*PGRR105*) that would add DC tie resources to the list of resources required to meet the minimum deliverability condition and the 2023 *major transmission element list*.

It also included one NPRR and a system change request (SCR) that, if approved by the board, would:

- *NPRR1184*: clarify ERCOT's management of the interest it receives and is owed to counterparties for posted cash collateral and require staff to credit counterparty collateral accounts for interest every month. The NPRR also requires ERCOT to report the interest calculation.
- *SCR824:* increase the attachment file size and quantities allowed within the resource integration and ongoing operations system. ■

— Tom Kleckner

ERCOT News

PUCT Rules Against SWEPCO on Pirkey Retirement

By Tom Kleckner

The Public Utility Commission of Texas last week approved an unopposed agreement over Southwestern Electric Power Co.'s (SWEPCO) request to reconcile its 2020-21 fuel costs related to the retired Pirkey coal plant, but rejected an administrative law judge's *proposed order* that found the plant's retirement prudent (*53931*).

Opponents of SWEPCO's 2020 decision to retire the plant in East Texas contended the plant still had years of useful life.

Among the opponents was Commissioner Will McAdams, who said in a *memo* last week that because the utility's action was not prudent, it should not be allowed to recover carrying costs from the mine that provided its fuel.

"I understand that the prudent standard is not a high bar, but the lack of depth in the 2020 analysis, especially when you're retiring a plant 12 years early, it simply did not sit well with me," he told his fellow commissioners Thursday.

McAdams said SWEPCO could have re-examined its analysis after the February 2021 winter storm "exposed reliability and resiliency issues of a kind never seen before and reinforced the need for existing dispatchable generation." He said the utility's decision to continue with its application as if the storm had not occurred "lacks fundamental credibility and common sense."

"Had SWEPCO acted prudently, it would have updated the analysis based on the new reliability needs of grids, the volatility of the 2021 natural gas market, increased construction costs, supply chain issues and inflation," he said. "It tells me that SWEPCO knew what outcome they wanted to achieve and may have nudged the analysis parameters to match that."

The *plant* retired last spring after 38 years of operation.

The PUC also approved a pair of amended certificates of convenience and necessity for system improvements in the lower Rio Grande Valley. (See *Texas PUC Directs Tx Construction in Valley*, "Board Approves $1.28B Tx Project," *ERCOT Board of Directors Briefs: Dec. 10, 2021*.)

It signed off on an unopposed agreements filed by South Texas Electric Cooperative (*54936*) and AEP Texas and Electric Transmission Texas (*55001*) for their proposed routes. The utilities are building new double-circuit 345-kV transmission lines and related facilities in South Texas. ■

Southwestern Electric Power Co.'s Pirkey Power Plant near Hallsville, Texas, retired last spring after 38 years of operation. | *SWEPCO*

ERCOT News

Texas PUC: 8.3 GW of Retirements 'Ain't Gonna Happen'

Commissioners Offer ERCOT Feedback on Reliability Standard

By Tom Kleckner

Texas regulators last week directed ERCOT to not include scenarios assuming the loss of more than 8 GW of fossil generation as the grid operator's staff continues to develop a reliability standard.

ERCOT briefed the Public Utility Commission on its reliability standard study *modeling results* during Thursday's open commission meeting. Staff shared the outcome of the 48 scenarios they developed for the analysis and recommended that an additional study iteration be performed (*54584*).

However, the commissioners balked at the inclusion of an aggressive 8.3-GW figure for assumed coal and gas units' retirement. The figure is based on EPA's proposed rules limiting greenhouse gas emissions and other regulations. (See *EPA Power Plant Proposal Gets Mixed Reception in Comments*.)

Commissioner Will McAdams said, "There's no way the Public Utility Commission of Texas is going to allow this to happen."

Commissioner Lori Cobos agreed with McAdams, saying ERCOT's current 3.3-GW assumption for retirements would be more "reasonable" to expect.

"I think that 8,300 is an extreme scenario, and I don't think it does any good to be opining for an extreme scenario that doesn't seem to be coming to fruition, given market dynamics but also ERCOT actions and legislative action," she said.

"Even then, the state will take steps to ensure that this doesn't happen," McAdams added. "We are not powerless and there are legal remedies here. There are market-driven remedies to keep these in system. We argued about this in the market design debate, and I said, 'This ain't gonna happen.'

"I fear that if we start subtracting massive amounts of megawatts out of the models — due to hypothetical federal regulations which we are sure to litigate and go all the way to the U.S. Supreme Court, which will take some time — I believe it will blow out the top of our models, unduly alarm the public and create a narrative that certain alternatives are better," he said. "I would advise simpler is better. Provide focus to ERCOT, clear the field of the massively hypothetical scenarios and then just look at what we have in the range."

Commissioner Will McAdams questions ERCOT's Kristi Hobbs (not pictured). | *Admin Monitor*

ERCOT's Kristi Hobbs, vice president of system planning and weatherization, agreed to reduce the retirement assumption to 3.3 GW. She also said staff would continue to include a one-day-in-five-years loss-of-load expectation in its frequency scenario limitations, along with LOLE expectations of one day in 10, one day in 15 and one day in 20 years.

Frequency Target

The PUC agreed with ERCOT's recommendation to include a reliability frequency target in future studies that uses a capacity mix with additional inverter-based resources.

ERCOT has proposed a three-part framework that considers the duration and magnitude of a loss-of-load event, along with the occurrence's frequency. It says this will better quantify LOLE risks when intermittent resources are a large percentage of the generation fleet. (See "ISO Prioritizes Market Changes," *Texas Public Utility Commission Briefs: Aug. 24, 2023*.)

$30 Million Procurement

ERCOT staff also shared with the commission *results* of the firm fuel supply service's (FFSS) second procurement, revealing the ISO acquired 3,319.9 MW of the *reliability product* for $29.9 million for the Nov. 15-March 15, 2024, obligation period (*53298*).

That was 13% more capacity and an estimated 43% cost reduction from the grid operator's first procurement of FFSS capacity. That resulted in 2,940.5 MW of capacity for $52.9 million during the Nov. 15, 2022-March 15, 2023, obligation period.

Five qualified scheduling entities responded to ERCOT's second procurement by offering 32 generation resources to act as FFSSRs during the obligation period. The grid operator awarded each resource the commission's clearing price cap of $9,000/MW; 31 of the 32 generators offered fuel oil as the reserve fuel and one offered natural gas storage.

The first procurement saw 19 resources awarded at $6.19/MWh ($18,000/MW). Eighteen of the 19 generators offered fuel oil as the reserve fuel and one offered natural gas storage.

ERCOT added FFSS at the PUC's direction after the disastrous 2021 winter storm, when curtailed gas supplies knocked numerous units offline and nearly collapsed the grid. The ser-

ERCOT News

vice is designed to provide additional reliability and resiliency during extreme cold weather by maintaining resource availability during gas curtailments or other fuel-supply disruptions.

The commission expanded eligibility to a broader range of resources for the service after its first phase.

Nuclear Working Group Meets

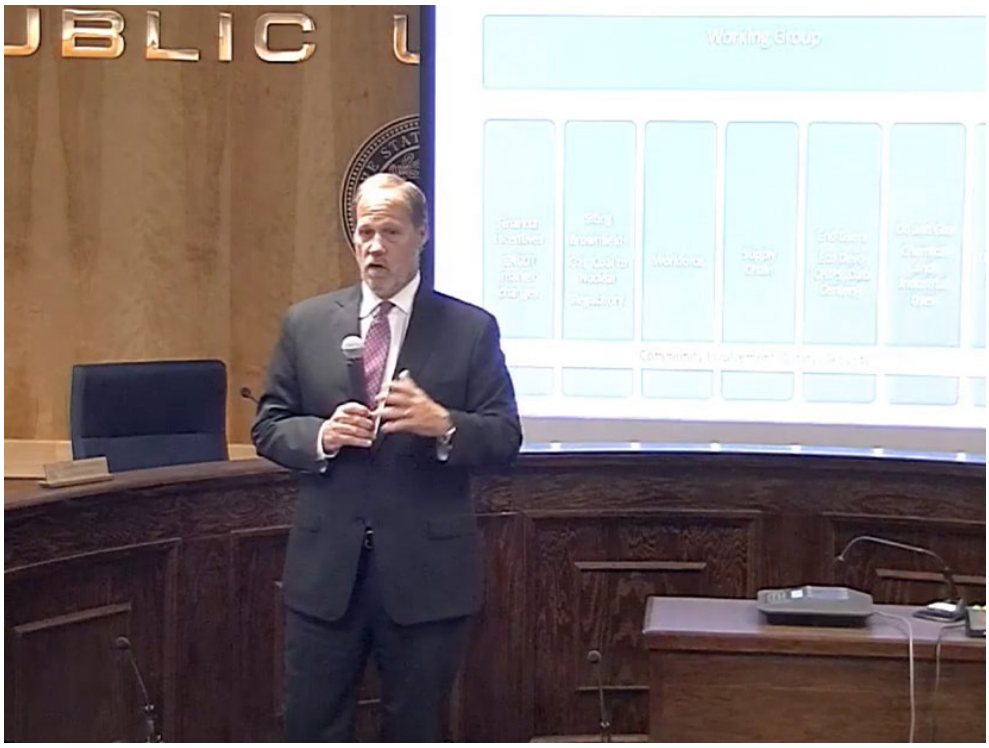
Following the open meeting, Commissioner Jimmy Glotfelty held an *informational briefing* for stakeholders interested in joining a PUC working group that will spend the next 14 months looking for ways to position Texas as a national leader in small modular reactors (SMRs) (*55421*).

In August, Gov. Greg Abbott (R) directed the PUC to create a working group to study and provide recommendations on SMRs. He also asked Glotfelty to chair the team, which the commission has labeled the Texas Advanced Nuclear Reactor Working Group. (See *Texas Seeking Lead Role in Nuclear SMRs*.)

"When the governor asks you to do it, you have to do it," Glotfelty said.

Nearly 20 market participants, companies and individuals have already filled out applications to join the working group. The first meetings will be held in October after the team members have been selected. Public meetings will continue into April before the team begins drafting a report with recommendations that is due to Abbott by December 2024.

"It's exciting to see so much interest in this even when every day there's another headline about something in this space. The challenge



PUC's Jimmy Glotfelty briefs stakeholders on a working group that will address small modular reactors. | *Admin Monitor*

with those headlines is very few of them say Texas," Glotfelty told stakeholders. "Our goal in this process is to figure out how we get more of them going."

The commission says the group will evaluate how advanced reactors can provide safe, reliable and affordable power for Texas. It will study financial incentives, state and federal regulatory impediments to growth, the electric market's effects, technical challenges and additional factors necessary to grow nuclear energy in the state.

"This is not going to be a government report that sits on a shelf. I've written plenty of those," said Glotfelty, who brings years of experience at the U.S. Department of Energy to the position. "This is not to understand a good place to deploy these reactors. It's to set the playing field so we can deploy these reactors." ■

ISO-NE News

ISO-NE Details Proposed Order 2023 Compliance

RTO Also Presents on Capacity Interconnection Processes Changes

By Jon Lamson

WESTBOROUGH, Mass. — ISO-NE outlined its proposed compliance with FERC Order 2023 at Wednesday's meeting of the NEPOOL Transmission Committee, *detailing* plans to revamp its interconnection processes.

The RTO said it plans to adopt most of the order's requirements but will request independent entity variations related to its operating assumptions for storage resources and the cluster study timeframe, proposing a cluster study length of 270 days, compared to the order's 150 days.

Al McBride, director of transmission services and resource qualification at ISO-NE, said this timeline would be "consistent with established timeline for *System Impact Studies* in New England."

McBride added that uncertainty around how many projects will request interconnection in any given cluster, coupled with the lack of standardization for generation equipment, makes it difficult to guarantee a 150-day cluster study timeline. Also, ISO-NE proposed to establish a uniform $250,000-cluster study deposit, consistent with Large Generator Interconnection Procedures requirements.

ISO-NE's proposed Order 2023 compliance would require interconnection requests to be submitted during a specified period lasting 45 days, which would be followed by a 60-day engagement window featuring a single cluster study scoping meeting. The RTO then would undergo the 270-day cluster study process, which would be followed by a potential cluster restudy period lasting 150 days.

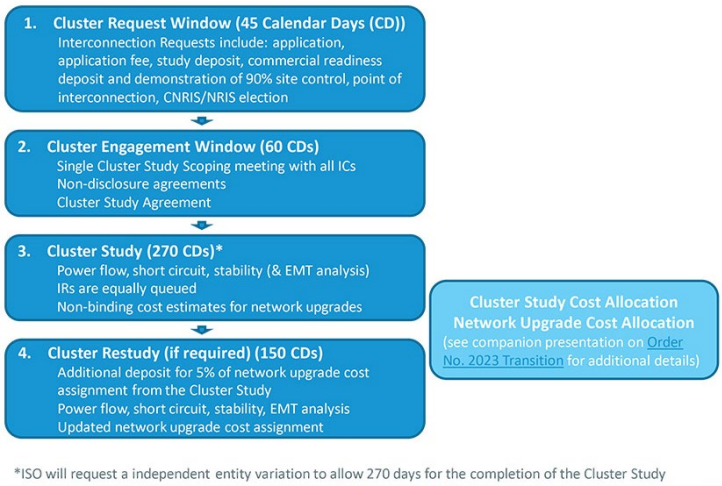
Adding up all the steps, the process would take 525 days — or just under a year and a half — if all steps proceeded in immediate succession.

Some stakeholders have expressed concern about extending the cluster study length from 150 to 270 days. Alex Lawton of Advanced Energy United (AEU) told *RTO Insider* in a statement that the AEU is reviewing the compliance proposals but that it "encourages ISO to adhere to Order 2023's 150-day cluster study duration, propose a study duration shorter than 270 days, and work with stakeholders to effect changes that are necessary for the ISO to confidently conduct cluster studies in a timely manner that is aligned with Order 2023."

Lawton said ISO-NE should require transmission owners to attend the study scoping meeting in the engagement window, which is not mandated by Order 2023. He added that AEU hopes to see more information on cluster subgrouping, the effect of cascading restudies on subsequent clusters, study assumptions for storage and the ways ISO-NE will consider grid-enhancing technologies.

ISO-NE said the presentations were intended to initiate conversations with stakeholders and welcomed feedback on the proposals.

The RTO said it is preparing an alternative proposal for storage operating assumptions that will "no longer study storage resources charging at peak-load conditions" and will "avoid incorporating additional control technologies." The RTO plans to provide more detail on the treatment of storage resources at the October Transmission Committee meeting.



ISO-NE's proposed cluster study timeline | *ISO-NE*

Capacity Interconnection

ISO-NE also *presented* to the TC on changes to its capacity interconnection processes, which will be separated from the Forward Capacity Auction process in response to Order 2023.

In the current process, capacity interconnection is connected to the Forward Capacity Market (FCM) and requires new resources to participate in FCM qualification and obtain a capacity supply obligation (CSO).

Alex Rost of ISO-NE said the current process will not be compatible with the requirements of Order 2023. To comply with the order, the RTO will "move all steps of the capacity interconnection process into the overall interconnection process."

Rost added that ISO-NE will evaluate capacity network resource interconnection service (CNRIS) requests within each cluster.

"Achieving a CSO in the Forward Capacity Market would no longer be a milestone to achieving CNRIS," Rost said. "CNRIS would be achieved by completing the interconnection process and entering commercial operation."

Transition Process

Jody Truswell of ISO-NE *presented* on the RTO's proposed transition process, which would begin soon after the compliance filing, and "be the most impactful for active projects in the ISO interconnection queue," Truswell said.

"Interconnection customers will need to make decisions shortly after the ISO files its compliance package regarding how they plan to proceed," Truswell said.

Assuming no extensions to the compliance deadline, interconnection requests would need to be "deemed valid" by Jan. 4 to be included in the transition process. If projects missed this deadline, they would need to wait until the first cluster entry window opened, which ISO-NE projected to be in mid-2025. ISO-NE is proposing an effective date of March 1, 2024, to initiate the transition study process.

Truswell also proposed that two ongoing cluster efforts — the Third Maine Regional Integration Study and the Cape Cod Cluster System Impact Study — proceed as planned. ■

ISO-NE News

State Ratepayer Advocates Discuss Role in Energy Transition

Advocates Agree on Need to Limit Rates, Costs

By Jon Lamson

BURLINGTON, Vt. — ISO-NE, states and stakeholders must work together to prevent transmission costs from skyrocketing amid the energy transition, consumer advocates told the ISO-NE Consumer Liaison Group (CLG) last week.

Consumer advocates from all six New England states convened at the CLG fall meeting Thursday to discuss their role in the transition off fossil fuels.

The advocates stressed the importance of keeping energy affordable for consumers, while highlighting the dual climate and cost benefits of limiting the peak demand on the grid as electrification of transportation and heating increases.

"We're trying to broaden the definition of what a consumer interest is," said Bill Dornbos, legal director for Connecticut's Office of Consumer Counsel, making the case that consumer needs include both low rates and a healthy climate and environment.

Dornbos added that it is time to "rebalance the power dynamic between ratepayers and utilities" to spur innovation and adapt to the climate crisis.

Andrew Landry, Maine's deputy public advocate, agreed on the importance of keeping electric rates low in the clean energy transition.

State consumer advocates address the CLG. | *Rebecca Beaulieu*

"I believe, and our office believes, that we can achieve our climate policy goals in a way that is affordable," Landry said.

ISO-NE has projected a 2050 winter peak of up to 57 GW due to the electrification of heating and transportation as part of its 2050 Transmission Study. (See *ISO-NE Planners Outline Potential Solutions for 2050 Tx Overloads*.) Landry said more planning and focus is needed to limit the growth of the peak, including increased investment in demand response programs, energy efficiency and storage.

Jacob Powser of the CLG Coordinating Committee | *Rebecca Beaulieu*

"I think we have underinvested in efficiency and demand response," Landry said, noting that ISO-NE indicated in the initial transmission study findings that a 10% reduction in the 2050 winter peak would be associated with a one-half to one-third reduction in transmission costs. (See *ISO-NE Projects Decrease in Gas, Increase in Coal and Oil for 2032*.) Landry added the region should "do everything we can to lower that peak."

Landry said ISO-NE has a key role in keeping transmission costs low as demand from electrification increases.

"I think market rules can be designed to support demand response and support energy storage," Landry said, adding that "we also need to think about demand response and storage in the transmission planning process," along with non-transmission alternatives.

Don Kreis, New Hampshire's consumer advocate, agreed on the need to keep peak loads low and prevent runaway transmission costs.

"I am absolutely rabid about energy efficiency," Kreis said, adding that there is an overlap in climate and ratepayer interests. Kreis also called for more scrutiny on asset condition projects, which represent the largest source of new transmission investments in the region. Asset condition projects are transmission upgrades for infrastructure that is old, obsolete or in need of wide-scale repair.

ISO-NE News

This month, Kreis co-signed a *letter* with representatives from Connecticut, Maine, Massachusetts and Rhode Island calling for a pause on all nonemergency asset condition projects not yet under construction until the asset condition approval process is reformed. The current process requires relatively minimal scrutiny for the multimillion-dollar projects, the costs for which are spread among ratepayers across New England. (See *States Press New England TOs on Asset Condition Projects*.)

The consumer advocates wrote there is about $5 billion in proposed, planned or under-construction asset condition projects and that this cost has increased by approximately 50% in the past six months.

"All stakeholders … need the opportunity to assess the reasonableness of each [transmission owner's] planned spending," the consumer advocates wrote. "Ultimately, the NETOs must be held accountable for the prudency of this spending."

Burlington activists Leif Taranta and Julie Macuga | *Rebecca Beaulieu*

Community Members Call for Clean Energy, Transparency

Several local climate and environmental justice advocates who spoke at the meeting called on ISO-NE to take bolder steps to spur the transition away from fossil fuels.

Julie Macuga, a researcher for Global Energy Monitor, said it's difficult for states to implement decarbonization policies when ISO-NE policies like the Minimum Offer Price Rule and forward capacity auctions ensure ratepayer dollars go directly to fossil fuels.

"ISO New England has the power to support actual grid reliability in the face of climate change," Macuga said, adding that "you can end coal, gas, biomass and more."

Jacob Powsner, a member of the CLG Coordinating Committee, climate activist and maple farmer, told *RTO Insider* he would like to see more transparency and democratic engagement from ISO-NE, as well as a larger voice for ratepayers at NEPOOL.

"If a member of the public wants to join [NEPOOL], it costs $500," said Powsner, who added that even as an active member of the CLG Coordinating Committee, he still personally would have to bear the costs of NEPOOL membership.

"That would just come out of the farm budget," Powsner said.

Leif Taranta, a Burlington-based community organizer, emphasized the impacts of climate-fueled flooding that hit Vermont this summer, displacing *hundreds* of residents.

"What is reliable energy when business as usual means that folks don't even have a light switch?" Taranta asked.

Taranta called for increased focus on community resilience solutions and said there is "widespread desire" for programs including community solar, net metering and demand response.

"We can change our ways to take care of each other, and that should be the first priority," Taranta said. ■

MISO News

MISO PAC Considers Lower, $9B MTEP 23 Transmission Package

RTO: Most MTEP Projects Lack Cost-effective Alternates

By Amanda Durish Cook

MISO's Planning Advisory Committee is deciding whether to approve the MISO 2023 Transmission Expansion Plan, which has dropped to just under $9 billion within a month.

Last month, MTEP 23 stood at 578 projects totaling $9.4 billion. Now the annual *portfolio* clocks in at $8.96 billion across 575 projects.

At a special Sept. 28 teleconference, the PAC opted for an email ballot through Oct. 5 on whether to recommend the portfolio to MISO board members. The PAC's vote is advisory and can be bypassed.

MISO's Jeremiah Doner said transmission owners have reviewed projects, made adjustments and refined cost estimates since the final round of subregional planning meetings on MTEP 23 in September.

Doner said some projects have been postponed to later MTEP cycles. Most notably, MISO has deferred the $260 million third phase of Entergy Louisiana's Amite South reliability project into MTEP 24.

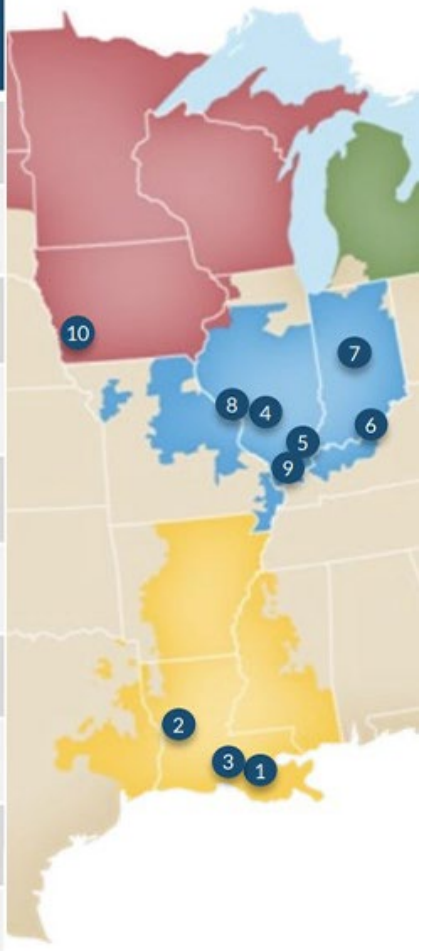
MISO is conducting additional analysis on possible alternatives to the project, which was among MTEP 23's most expensive, Doner said.

Despite the deferral of the Entergy project, MISO South's 77 projects still account for 46% of MTEP 23 spending. MISO remains committed to its recommended, $1.7 billion, 500-kV Commodore-Waterford-Churchill loop project, which will replace both the first phase of Entergy Louisiana's Amite South project and the Downstream of Gypsy reliability project, another Entergy Louisiana proposal. (See *MTEP 23 Catapults to $9.4B; MISO Replaces South Reliability Projects*.)

MTEP 23 contains $1.2 billion in generator interconnection upgrades, $1.7 billion in baseline reliability projects and nearly $6 billion in "other" projects, which includes reliability projects based on transmission owners' self-imposed criteria separate from NERC standards, such as projects responding to load growth or addressing the age and condition of existing facilities.

Doner said MISO is confident it has assembled a package of "efficient, cost-effective solutions to identified system issues."

Rank	Project Name	Project Driver	Cost (millions)
1*	Amite South Reliability Project - Phase 1 - Alternative	Other – Reliability	$1,700
2	Southeast Texas Area Reliability Project	Baseline Reliability	$1,111
3	Amite South Reliability Project - Phase 2	Other – Reliability	$290
4	New Baldwin Area Reactive Support	Other – Reliability	$170
5	New South Central Illinois Transmission Expansion	Other – Reliability	$168
6	New Slugger 138 kV Load	Other – Load Growth	$124
7*	New Kokomo Fusion Phase 1 – 230/69 kV Substation	Other – Load Growth	$92
8*	Rebuild Sioux-Meppen North-Hull 138 kV Line	Other – Age and Condition	$78
9	New Seminary – Wittenberg – Grand Tower 138 kV	Baseline Reliability	$68
10*	Southland Expansion and Upgrades	Other – Load Growth	$58



MISO's revised list of the most expensive projects in MTEP 23 | *MISO*

MISO News

Sector Critiques

MISO's Competitive Transmission Developers Sector said the RTO should have reviewed more projects for "more efficient or cost-effective regional project alternatives."

"Such a review is required by the MISO tariff and FERC Order No. 1000, and the failure to consider alternatives may lead to the approval of transmission projects that do not efficiently solve these and other system needs, which ultimately increases costs to customers," the developers said.

Doner responded that MISO already prioritized alternative analyses for proposed new lines and larger, expensive projects that may affect the entire system.

"Roughly 75% of MTEP 23 projects didn't meet criteria for alternative solution analysis, as they address needs with no cost-effective alternatives," he said.

The RTO's Environmental Sector said the MTEP 23 report should mention MISO's "struggles to manage" its 242-GW generator interconnection queue and should describe what resources it needs to complete studies on time.

Doner said MISO continues to work on its queue processing time. He also pointed out that MISO is sitting on 49 GW worth of new generation that's on hold despite MISO having already studied it and signed off on interconnection. He said "limitations on new interconnections are due to factors outside of MISO's control, such as construction delays and supply chain issues."

The Environmental Sector also asked MISO to pay more attention to HVDC lines in MTEP reports and do more to explore the potential for battery storage in MISO's future.

Doner said MISO agrees that HVDC lines could be necessary. He said MISO and stakeholders will discuss HVDC needs as part of the second portfolio under MISO's long-range transmission planning.

Doner also said, "MISO will monitor market performance and interconnection processes for potential improvements as more storage is constructed."

Sustainable FERC Project's Natalie McIntire said though the Environmental Sector often provides substantial comments, MISO "rarely" changes or adds detail to its MTEP reports based on the sector's suggestions.

MISO said it will publish the comments it received as an appendix to the MTEP 23 report.

MTEP 23 will enter its next review at an Oct. 17 meeting of the System Planning Committee of the MISO Board of Directors.

MTEP 24

Meanwhile, MISO transmission owners have already submitted project proposals for MTEP 24, which will use the RTO's new, one-stop *model manager*. The model manager project aims for one system of record for all planning and operations models to eliminate redundant data entry and review.

MISO and vendor Siemens are working to synchronize data collection fields between MISO's different model structures. At the Sept. 27 Planning Subcommittee, MISO's Scott Goodwin said he expects a few hiccups as MISO transitions to the new model system for MTEP 24. ■

MISO News

Annual OMS DER Survey Records 1-GW Rise in MISO Residential Capacity

By Amanda Durish Cook

The Organization of MISO States' sixth annual survey on amounts of distributed energy resources in MISO tracked a nearly 1-GW rise in residential DERs year over year.

This year's utility survey recorded almost 12.5 GW of DER capacity operating in MISO, up from 11.5 GW in 2022. OMS found that residential customers' additions are responsible for all gains in DER capacity, up from 1.8 GW in 2022 to now more than 2.9 GW. For the first time, solar overtook demand response as the most plentiful DER class in the footprint, at 5.5 GW to 5.1 GW, respectively.

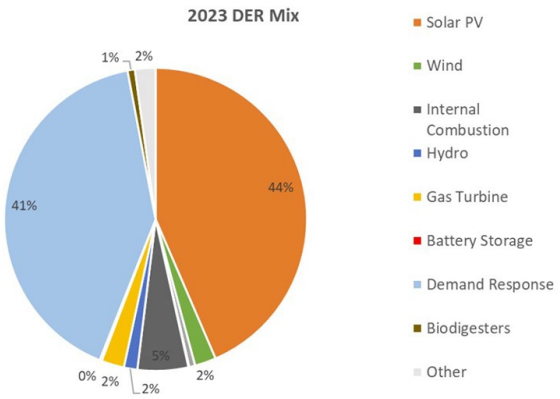
OMS also found that virtually all DER increases this year occurred in Minnesota, Wisconsin and the Dakota's Zone 1 and Michigan's Zone 7. Those zones together contain most of MISO's DER amounts, at a combined 6 GW. Zone 1 alone holds almost 3.4 GW.

Five years ago, the OMS DER survey identified just 2.6 GW of DERs operating in the footprint.

During a Sept. 25 webinar to discuss survey results, OMS Executive Director Marcus Hawkins said a "steady trend of DER growth continues in MISO." He said the surge in unregistered, residential DERs might be introducing load forecasting complications for MISO because it doesn't have visibility into residential DER contributions. Hawkins also said the survey results could be undercounting the actual amount of demand response resources.

According to OMS, utility respondents to the survey agreed DERs soon will begin shaping load forecasting in MISO.

12.5 GW of DER by Resource Type



MISO's 2023 DER mix, according to the OMS DER survey | *OMS*

MISO over the summer tended to overforecast load on its hottest days. Independent Market Monitor David Patton has said MISO's forecast model overestimated load between 2-8 GW on the hottest days in July and August and might not account for voluntary load reductions and behind-the-meter solar. (See *MISO: Could Have Employed Wait-and-see Approach for August Emergency*.)

OMS said utilities this year expressed a willingness to work with DER aggregators and mentioned the need to build distributed energy management systems in the future, though they said it's still an open question as to who will pay for those communication systems.

Some respondents also told OMS they're waiting on MISO's participation model for DER aggregation to be active before they move ahead on more comprehensive DER planning.

MISO has asked FERC to allow it until 2030 to comply with the commission's directive to open its wholesale markets to DER aggregators under Order 2222. (See *MISO Defends 2030 Completion for DER Market Participation*.)

The RTO has said it needs time first to finish its ongoing market platform replacement and then require additional years to introduce a multi-configuration resource participation model before it can tackle offers from DER aggregations. MISO will lean on its electric storage participation plan for DER aggregations, limiting them to a single pricing node. The aggregations must self-commit in the RTO's markets based on their own forecasts.

OMS has said MISO's Order 2222 compliance plan is too drawn out and should include DER aggregations into its markets sooner. ■

MISO News

MISO Somewhat Open to COD Allowances in Interconnection Queue Rules

Supply Chain, Delivery Issues Leading to Delays

By Amanda Durish Cook

MISO has signaled it is receptive — but only to an extent— to stakeholder ideas on loosening its commercial operation date deadlines in its generation interconnection queue.

MISO will collect stakeholder suggestions through Oct. 17 on how it might stretch deadlines around commercial operation date rules in its interconnection queue. The RTO is experiencing a growing number of generation projects that are approved to connect to the system but aren't finished.

However, MISO said the potential commercial operation dates generation developers are using in negotiations for upcoming generator interconnect agreements (GIAs) so far don't exceed the existing extensions MISO's tariff allows.

"It appears at least on the surface that commercial operation date extensions are adequate," MISO's Brady Mann said at a Sept. 26 Interconnection Process Working Group teleconference.

Mann pointed out that MISO allows a three-year deferral when transmission owners cannot bring equipment necessary to connect new generation into service on time.

MISO policy requires GIAs struck among interconnection customers, transmission owners and MISO to contain a commercial operation date that's within three years of the date originally requested in their queue applications. The grid operator additionally allows up to a three-year extension of the commercial operation date in the initial GIA. When developers can't meet either extension, MISO can remove the project from its queue or developers can seek a waiver of the queue tariff deadlines with FERC.

Mann added that MISO is open to hearing potential remedies from stakeholders.

"It is a new world we're living in, so having that collaboration and conversation will be helpful," Mann said. "Our intent here is to understand the issues you're facing and additional remedies that may be required."

EDP Renewables last month requested that MISO consider extending its grace period or letting developers amend commercial operation dates to be more realistic in GIAs. The developer said study delays and supply chain setbacks mean interconnection customers can't realistically meet the commercial operation dates set forth in the first drafts of their GIAs. (See *MISO to Assess Extending Queue's COD Grace Period*.)

Multiple renewable energy developers told MISO that behind-schedule commercial operation dates will be common.

"We're in a different world than in 2018. There are supply chain and delivery issues on both the interconnection customer and transmission side. … The problem is not likely to go away, in our view, and will extend into several future queue cycles," EDP Renewables' David Mindham said. "We believe it's better to deal with this problem holistically than file a bunch of one-off waivers at FERC."

Mann said MISO expects both interconnection customers and transmission owners to simultaneously gather supplies, conduct engineering analysis and construct facilities after a GIA is negotiated. He said one shouldn't be waiting on the other to move ahead.

Carpenter wind farm | *EDP Renewables*

Growing Share of Approved And Unbuilt Generation

In a separate presentation, Mann said volumes of executed generator interconnection agreements are on the rise, with the 35 GW in GIAs expected to be executed by year's end more than doubling 2022's 16 GW.

MISO acknowledged the lion's share of gigawatts from recently executed GIAs isn't yet in commercial operation. Mann said MISO predicts a "large increase" in commercial operations in 2028, when developers exhaust their three-year grace periods.

MISO has said it has about 49 GW worth of generation projects that are approved to connect to the system under completed GIAs but remain unbuilt, which raises its near-term reliability risks. (See *MISO: Reliability Risk Upped by 49 GW in Approved but Unbuilt Generation*.)

By year's end, MISO expects that value to grow to 66 GW in executed GIAs for generation projects that have yet to reach commercial operation.

Meanwhile, MISO's interconnection generation queue studies continue to slip on their intended timelines. Most interconnection queue cycles for MISO's four planning regions are *delayed*. ■

MISO News

MISO Demand Up, Prices Down During Bumpy August

Peak Load Exceeds Last Year's; RTO Will Investigate Maximum Generation Event

By Amanda Durish Cook

Despite a maximum generation emergency and hot weather challenges, MISO's reliability, markets and operational functions performed as expected in August, RTO officials said last week.

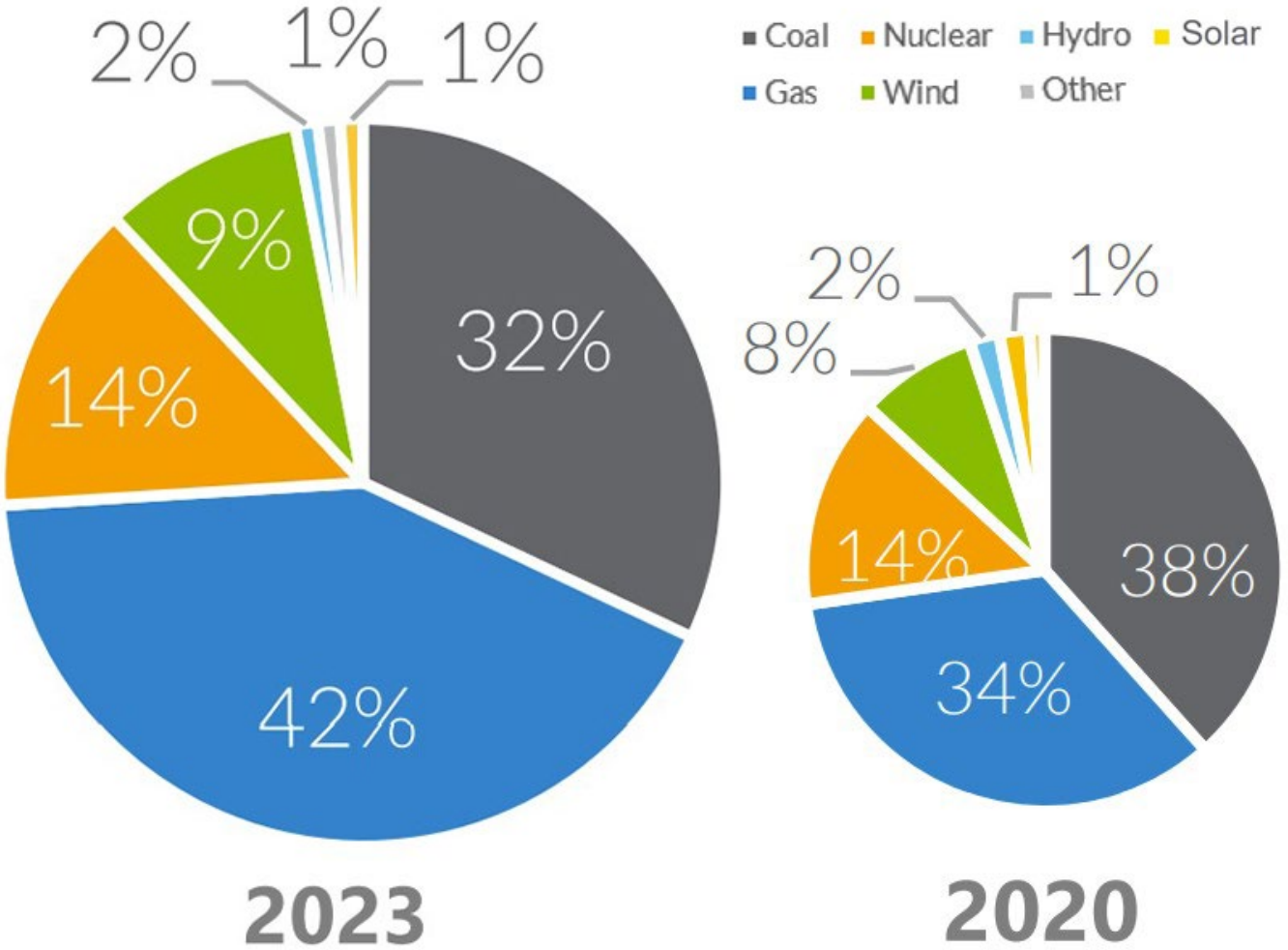
MISO hit its monthly — and yearly — peak demand of 125 GW on the evening of Aug. 23, according to its *monthly operations report*. MISO's maximum generation emergency would come a day later, when load topped out at 123 GW. (See *MISO: Could Have Employed Wait-and-see Approach for August Emergency*.)

MISO averaged an 87-GW peak load in August, higher than 2022's 84 GW. Average daily generation outages hovered around 37 GW, also higher than August 2022's average of 33 GW. MISO issued operating notices about system stressors on more than half the days in the month.

The average price of natural gas and coal fell to $2/MMBtu during the month from $8/MMBtu a year earlier, causing real-time LMPs to drop to $33/MWh from $87/MWh last year.

MISO also recorded a 3.3-GW all-time solar generation peak Aug. 31, when panels supplied about 4% of total load around midday.

MISO is scheduled to review the late August maximum generation event and the reasons behind it with stakeholders at its Oct. 3 Reliability Subcommittee and again at its Oct. 5 Market Subcommittee. ■



August average fuel mix | *MISO*

Midwest news from our other channels

Mich. Senate Passes First Renewable Bill; Talks on Package Continue

NetZero Insider

RTO Insider subscribers have access to two stories each monthly from *NetZero* and *ERO Insider*.

MISO News

MISO May Use Inaugural Near-term Congestion Study to Plan Smaller Tx Upgrades

RTO Studies Flowgates and Upgrades, Finds Savings

By Amanda Durish Cook

MISO's exploratory study on alleviating near-term transmission congestion has led the RTO to consider adding near-term economic benefits to its existing long-term economic planning.

Speaking at a Sept. 27 Planning Subcommittee, economic planning engineer Sean Rogers said that, as a result of this year's inaugural *near-term congestion study*, MISO "will continue to explore how to adapt economic models and processes to identify near-term issues and solutions."

MISO's economic planning models are geared toward long-term horizons, not short-term congestion relief and economic benefits.

Rogers called the study a "starting point" for MISO to translate its long-term economic planning processes into a near-term model. He said over 2024, MISO will investigate how it can modify long-term planning models to "be more applicable for near-term use" and that the continuing evaluation will be part of the 2024 MISO Transmission Expansion Plan (MTEP 24).

Under this year's purely informational study, MISO studied its top ten most congested flowgates in its day-ahead market from 2021 to 2022. It assigned an unlimited kV rating on the flowgates in the study to pinpoint when hypothetical upgrades were beneficial over a five-year horizon based on adjusted production costs.

The study is for informational purposes only, so MISO isn't recommending any transmission projects from its conclusions. However, planners said they may suggest projects after 2024's study.

Stakeholders had requested that the grid operator come up with smaller, congestion-relieving projects like its interregional targeted market efficiency projects with PJM and SPP. (See *MISO Adding Near-term Congestion Study to MTEP*.)

MISO has said it first needs to better understand the nature of its near-term congestion before proposing a new project type and potential cost allocation. Some stakeholders have expressed disappointment that the study hasn't resulted in a new class of projects.

Nevertheless, MISO found that if Duke Indiana's Cayuga 345/230kV transformer were upgraded in west-central Indiana, it could save $2 million annually in adjusted production costs. The facility racked up about $30 million in day-ahead congestion in 2022.

Southern Minnesota Municipal Power Agency's Murphy Creek - Hayward 161-kV line could save a little more than $1 million per year with an upgrade, cutting into the $28 million in day-ahead congestion it accumulated in 2022.

All other hypothetical upgrades on MISO's top ten most congested flowgates saved less than $500,000 annually. Two showed negative benefits because of impacts on nearby facilities.

MISO found a contradictory, $5 million in additional annual costs when it studied an upgrade to Ameren Illinois' Marblehead North 161/138-kV transformer. MISO said it will continue to examine the reasons behind the economic harms. The Marblehead flowgate accumulated more than $102 million in day-ahead congestion costs over 2022.

Some flowgate congestion cases were found to be linked to temporary outages. Congestion on Great River Energy's Johnson Junction - Graceville 115-kV line in Minnesota — which surpassed $71 million in congestion costs in 2022 — was "directly related to the planned construction outage on the Johnson Junction to Morris line" from Oct. 1, 2021, to Feb. 1, 2022. Two other congested flowgates were linked to Duke Energy Indiana's Cayuga Unit 1 outage. ■

| *Ameren Missouri*

NYISO News

Emilie Nelson Named NYISO COO, Replacing Rick Gonzales

MC Approves Seasonal Demand Curve Proposal, Updates on $194M Draft Budget for 2024

By John Norris

NYISO on Wednesday *announced* that EVP Emilie Nelson was named COO, replacing Rick Gonzales, who is retiring at the end of the year.

CEO Rich Dewey told stakeholders at an ISO Management Committee meeting that he recommended Nelson to the Board of Directors, which approved the promotion. Nelson will now be responsible for overseeing both the operations and the market mitigation and analysis (MMA) teams.

"I feel that this really positions us well for the future and is a good leadership expansion for Emilie and sets up both our organization and teams for the challenges of the future," Dewey said during the meeting.

Nelson joined the ISO in 2004 and has been in the industry for almost 25 years. She previously worked for Mirant New York as a power plant performance engineer. During her tenure at NYISO she has held various roles of increasing responsibility on the market monitoring, energy market design and operations teams.

Nelson holds a bachelor's degree in mechanical engineering from Tufts University, an MBA from Pace University and is a graduate of Harvard Business School's Advanced Management Program.

NYISO Board Chair Dan Hill said in a statement that "Emilie has built a strong record of performance-driven results in a number of senior management roles throughout her career at the NYISO."

Gonzales also congratulated Nelson during the meeting, saying she "will bring some great change to the organization by bridging [the operations and MMA] parts together."

Gonzales, who has been with NYISO since its inception and previously worked for the New York Power Pool, is scheduled to retire on Dec. 31.

Draft Budget

NYISO *presented* the MC its draft budget for next year, saying it will total $194.8 million and that $8 million remaining from this year's budget will be used to make early repayments on outstanding debt.

The 2024 draft budget is roughly $5 million higher than this year's budget, with much of the growth attributable to proposed increases in consulting fees and staff salaries, which NYISO says are necessary to accomplish next year's project portfolio. The ISO will also hire for 19 new positions in both the system and resource planning and operations teams next year.

Retiring COO Rick Gonzales (left) and newly board-approved COO Emilie Nelson | *NYISO*

NYISO already faced stakeholder scrutiny after presenting its final project budget recommendations of $41.62 million for next year, with many balking at the proposed labor cost increases. (See *NYISO Proposes $41.62M Project Budget for 2024*.)

Stakeholders can discuss the draft budget again in early October before the board reviews it on Oct. 16. The ISO anticipates bringing the final draft to the MC for a vote on Oct. 25.

Seasonal Demand Curves

The MC also approved NYISO's *proposed revisions* related to implementing winter and summer demand curves into the next demand curve reset for the 2025/26 capability year.

The ISO's proposed changes will be part of the next four-year DCR, which regularly updates the parameters for New York's capacity market, and seek to better reflect seasonal reliability risks and the value that certain resources provide during the competing seasons.

The revisions were previously approved by the Business Issues Committee and will now go before the board for final approval. (See "Seasonal Demand Curves," *NYISO Business Issues Committee Briefs: Sept. 14, 2023*.)

August Market Performance

Gonzales *delivered* the August market performance report during the MC meeting, saying, "we had pretty mild temperatures that were cooler than average and a little less wet than July."

He noted that August's year-to-date energy prices are down 56% compared to last year, decreasing from $93.42/MWh in 2022 to $40.13/MWh this year. August's gas prices were also down 85% compared with last year, and prices at the Transco Z6 NY pipeline touched a low of $1.18/MMBtu.

As in a monthly operations assessment delivered to an earlier Operating Committee meeting, Gonzales highlighted how an unexpected four-day heatwave in early September saw some of the highest demand during the summer and that the ISO will investigate the hot weather phenomenon. (See "August Operations Report," *NYISO Operating Committee Briefs: Sept. 15, 2023*.) ■

PJM News

PJM OKs 32% Cut in Elliott Penalties in Proposed Settlement

Settlement Avoids 'Mega-litigation' Situation; FERC Must Approve

By Devin Leith-Yessian

PJM has agreed to reduce its nonperformance penalties 31.7% for generators that could not meet their capacity obligations during the December 2022 winter storm.

A proposed *settlement* filed Sept. 29 by PJM and 81 other parties would resolve the bulk of 15 complaints generators filed against the RTO arguing that it had either improperly declared performance assessment intervals (PAIs) in regions where emergency conditions were not present or unjustifiably applied nonperformance penalties (EL23-53, et al.).

PJM did not admit to any wrongdoing or violation of its tariff in the settlement, and the agreement does not include any changes to the governing documents. The filing states that the settlement was either supported or not opposed by the "overwhelming number of active parties in the case." (See *Settlement Possible Between PJM And Several Generation Owners over Winter Storm Complaints.*)

"These Winter Storm Elliott complaints had the potential to become the next 'mega-litigation' along the lines of the California Energy Crisis litigation or the Seams Elimination Cost/Charge Adjustment/Assignment litigation; instead, the settling parties have achieved a negotiated resolution that avoids years (or, in the case of the California Energy Crisis, decades) of litigation and now present that resolution to the commission for approval," the filing said.

All 15 complaints would be resolved by the settlement except for portions of complaints by East Kentucky Power Cooperative (EKPC) (*EL23-74*) and Energy Harbor (*EL23-63) to be decided by FERC*. The settlement allows EKPC to pursue its request to modify its penalty charge rate and stop-loss rate.

EKPC argued that the Capacity Performance (CP) penalty rate and stop-loss limit are unjust and unreasonable by not being tied to the revenues market sellers receive through the capacity market — potentially resulting in resources being levied penalties larger than their capacity revenues. The complaint called for the commission to modify the penalty calculation to instead use the Base Residual Auction (BRA) clearing price, rather than the net cost of new entry (CONE) for both the charge rate and stop-loss. EKPC requested that the change be effective for the 2023/24 delivery year.

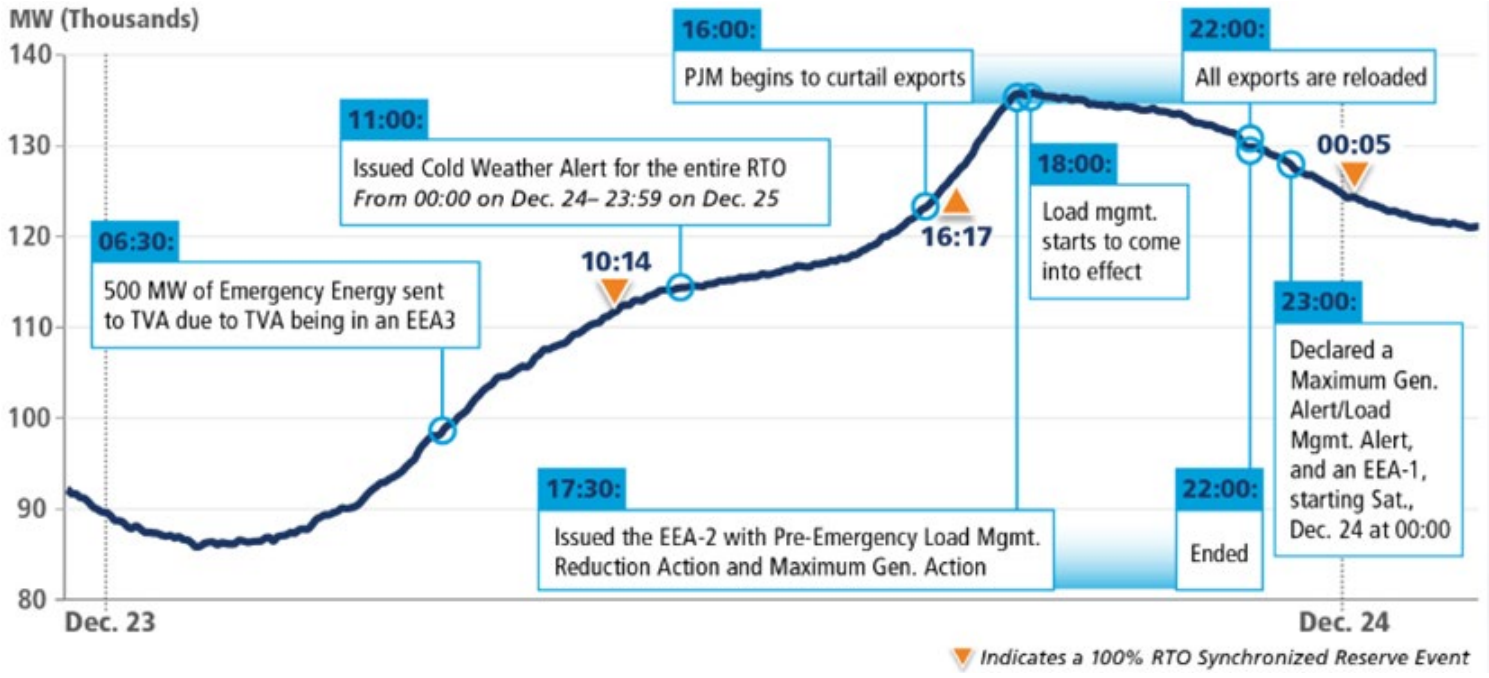
The PJM Board of Managers directed staff to revise the stop-loss to be based on the BRA clearing price as part of a larger reworking of the capacity market expected to be filed this month. The penalty charge rate would remain based on net CONE. (See *PJM Board Releases Outline of CIFP Filing.*)

The EKPC complaint also argued that PJM violated its tariff by not curtailing nonfirm exports during emergency conditions and that the company's Bluegrass generator should be excused from penalties. EKPC agreed to drop both issues as part of the settlement.

The settlement asks the commission to "decide the merits" of Energy Harbor's argument that PJM violated its tariff by assessing nonperformance charges against 300 MW of capacity that was unavailable due to maintenance outages. The company contended the capacity should be excused from penalties.

The settlement also includes an agreement that PJM will credit $4.4 million to Lee County Generating Station to resolve its complaint. The RTO will also extend collection of the company's remaining penalty balance, and corresponding interest, to avoid depleting the collateral PJM holds to support Lee County's exports to MISO.

Lee County's complaint argued that it should



PJM detailed the emergency actions it took on Dec. 23 and 24 as a sharp drop in temperatures brought record-setting loads and forced outage rates. | *PJM*

PJM News

not be subject to penalties, as it was on a forced outage at PJM's request and would have been available during the PAIs if dispatchers had not requested that it go offline. In July, the commission approved a request from PJM and Lee County to defer the final six months of the company's penalty billing schedule through June 2024 to avoid the company defaulting on its obligations in PJM and MISO (*EL23-57*).

The reduction applies to all market sellers assigned a share of the $1.8 billion in penalties associated with Winter Storm Elliott, including those that have already paid their penalties in full. Recipients of bonus payments — which are distributed to generators that overperformed during PAIs out of the pool of penalties collected — will be required to refund a portion of their allocation.

The penalty reduction is predicated on market sellers continuing to meet their payment obligations or already having paid off their penalties. If a party defaults or does not make a payment, the original full penalty will be reinstated with interest. Market sellers who opted for a longer nine-month repayment timeline, which comes with the tradeoff of being subject to interest, will have the interest due on their penalties recalculated to use the lower settled figure. Interest will not be due on the bonus payment refunds. (See "FERC Approves Alternative Billing Schedule," *PJM: Elliott Nonperformance Penalties Total More Than $1.8B*.)

PJM will also re-evaluate the collateral each market participant must provide PJM to take into account the reduced penalties. Parties that have paid off their charges in full will have their collateral released under the settlement.

The settlement is contingent on FERC approval "without material modification or condition," and it states that the filing will be withdrawn unless the settling parties agree to any modifications the commission may condition its approval on. The filing requests commission approval no later than Dec. 29 and use of the default comment period, which would make responses due Oct. 19.

"Timely commercial certainty is a core objective of the settlement, and that objective would be significantly undermined if the commission does not approve the settlement by the end of this calendar year," the filing said.

On Oct. 25, the commission granted a tariff waiver PJM and several complainants requested to allow the RTO to delay collection of unbilled penalties and distribution of bonuses until the settlement is acted upon by the commission and can be implemented by PJM. The order stated that delaying billing would be "administratively efficient" by reducing the potential for rebilling and resettlement should the settlement be accepted and result in a change in the penalties due. ■

PJM News

PJM Board Releases Outline of Capacity Market Changes

Filing Addresses MSOC, Winter Deliverability; Some Issues Still Unaddressed

By Devin Leith-Yessian

The PJM Board of Managers has released an outline of several changes to the RTO's capacity market to be included in a FERC filing slated to be made next month.

In a Wednesday *letter*, the board stated it built the filing's structure off the annual capacity market design PJM formed during the critical issues fast path (CIFP) process. The filing would retain the core design of the Reliability Pricing Model (RPM) but rework the capacity performance (CP) construct, how resource adequacy risk is modeled and resource accreditation. The filing is expected to include parallel changes to the risk modeling and accreditation for fixed resource requirement (FRR) entities with a four-year transition period. (See *PJM Members Lobby Board Ahead of Expected CIFP Filing.*)

The board directed PJM to submit the filing to FERC no later than Oct. 13, with the aim of having the changes effective for the 2025/26 Base Residual Auction (BRA). It notes that components could be grouped together or filed individually to "mitigate the risk of a single component of the filing causing the delay or rejection of the entire suite of enhancements."

The filing completes the CIFP process the board opened in February but acknowledges stakeholders and PJM raised issues that remain unaddressed under the expected filing, such as a seasonal or more granular capacity market design and shortening the period between the auction and corresponding delivery year. The board's letter states it expected to receive feedback on the filing and next steps during the Liaison Committee meeting on Monday and through discussions with the Organization of PJM States Inc. (OPSI). (See *PJM Stakeholders Vote Against All CIFP Proposals.*)

In reworking the CP design, the board stated that it sought to strike a balance between the risks generators see in taking on a capacity commitment and incentives for them to maintain the capability to perform during an emergency.

The filing would leave the penalty rate unchanged but would revise the annual stop-loss limit to be based on the BRA clearing price; currently, both are derived from the net cost of new entry (CONE). Proponents of basing penalties on the value of capacity argued that it would align the risks generators face with the revenues they earn as a market seller, while opponents argued it would reduce the incentive to perform. A proposal to base both values on the BRA clearing price was endorsed by the Members Committee in May but was not approved by the board. (See *PJM Board Rejects Lowering Capacity Performance Penalties.*)

The filing also directs PJM to revise its calculation of the market seller offer cap (MSOC) to allow generators to include more cost of risk in their offers even when their net avoidable cost rate (ACR) is zero or negative.

"The ability to express risk in offers is integral to ensuring the optimal set of resources are selected to provide capacity and on its own is not an exertion of market power when those quantified risks are rooted in rigorous, reasonable analysis, as is required by the current resource-specific process," the board said.

The eligibility for receiving CP bonus payments — which are based on the amount of penalties collected and are distributed to generators that overperformed during an emergency — would be tightened under the board's filing to go only to committed capacity resources, rather than all generators.

The board rejected proposals to excuse long-lead resources from CP penalties, which argued they are not capable of modifying their generators to be more flexible, saying the current rules incentivize them to be ready for emergencies.

"The board does not believe that self-scheduling of such resources in the anticipation of being required to operate presents a reliability concern for PJM, and to the extent a self-schedule request is actively denied by PJM, it represents a dispatch instruction by PJM and therefore an excusal," the letter said.

The risk modeling changes would increase the amount of weather history data PJM uses to go back 30 years and using hourly granularity and modeling of correlated outages when evaluating resource adequacy. The board did not, however, adopt PJM's proposal to zero out the capacity benefit of ties, arguing that doing so requires further consideration. It directed PJM to continue engaging in it with the aim of arriving at a new process of considering the value of imported power during emergencies. The new methodology should be targeted for implementation for the calculation of the 2025/26 installed reserve margin, the board said.

"While the board does not support the 0 MW proposal at this time, the board is concerned that the current process to produce CBOT may no longer produce accurate estimates, given the evolving view of resource adequacy risk and resource adequacy dispositions of neighboring regions," the letter said.

The board also directs changes to modify the winter deliverability assumptions in resource adequacy risk modeling and accreditation for solar resources to consider system conditions and resource output beyond the hours now studied.

The filing adopts PJM's CIFP proposal to shift to using a marginal effective load carrying capacity for all resource types, which the board said will improve alignment between market structures such as accreditation, compensation and incentives, with system risk. ■

PJM CEO Manu Asthana | © RTO Insider LLC

Company Briefs

EEOC Alleges Discrimination, Retaliation at Tesla

The Equal Employment Opportunity Commission last week filed a federal lawsuit against Tesla, alleging the company engaged in racial harassment and discrimination.

The lawsuit claims that since at least May 29, 2015, Tesla has violated Title VII of the Civil Rights Act of 1964 by subjecting Black employees at the company's Fremont, Calif., manufacturing facilities to racial abuse, stereotyping and hostility, including racial slurs.

The lawsuit claims that Tesla violated federal law by "tolerating widespread and ongoing racial harassment of its Black employees and by subjecting some of these workers to retaliation for opposing the harassment," according to a statement released by the EEOC.

More: *ABC News*

Ford 'Pausing' Construction of Michigan EV Battery Plant

Ford Motor Co. halted construction of its $3.5 billion electric vehicle battery plant project in the Marshall area, effective Sept. 25.

"We're pausing work, and we're going to limit spending on construction at Marshall until we're confident about our ability to competitively run the plant," Ford spokesman T.R. Reid said, while confirming that a "number of considerations" were at play in the company's decision.

The 2.5-million-square-foot battery park was to be run by "Blue Oval Battery Park Michigan," a wholly owned subsidiary of Ford.

More: *The Detroit News*

Chesapeake Utilities Purchases Florida City Gas from NextEra

Chesapeake Utilities last week agreed to purchase Florida City Gas from NextEra Energy in an all-cash deal valued at $923 million.

Florida City Gas has about 120,000 residential and commercial natural gas customers across the state.

The deal also includes intercompany debt worth $145 million.

More: *Offshore Technology*

Milestone Carbon Eyeing Capture, Storage Hub in Texas

Environmental company Milestone Carbon last week said it plans to build a carbon capture and storage hub in Midland and Upton counties in Texas as early as 2025.

The 10,000-acre site will take carbon from the atmosphere and place it in the ground as a liquid through a pipeline system.

"We end up taking a gas stream, an exhaust stream and we separate out that CO_2," Senior Vice President Chris Davis said. "Then we compress it into a liquid form — it's a compressible liquid — and then we put it in a pipeline and dispose of it as we would like saltwater disposal."

More: *KWES*

Polestar Opens All-EV Dealership in North Carolina

Polestar last month opened an all-electric vehicle dealership in Charlotte, N.C.

The 2,400-square-foot interior showcases one row of three cars.

Polestar, which is 48% owned by Volvo, released its first cars — the Polestar 1 hybrid coupe and the Polestar 2 all-electric fastback — in 2019.

More: *The Charlotte Observer*

Federal Briefs

Biden Directs Agencies to Honor Tribal Treaty, Restore Salmon Populations

President Biden last week directed federal agencies to restore healthy and abundant wild salmon populations to the Columbia River Basin, while calling for tribal treaty and trust obligations to be honored.

Four tribal nations — the Nez Perce Tribe, the Confederated Tribes and Bands of the Yakama Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon and the Confederated Tribes of the Umatilla Indian Reservation — entered treaties with the U.S. government in 1855 that reserved the right for tribal members to fish in all usual and accustomed places. But since dams were built in the Columbia Basin, 13 salmon and steelhead populations have become threatened or endangered.

In the memorandum, Biden gave federal agencies 220 days to review budgets and plans to help restore fish.

More: *OPB*

Ex-ComEd CEO Pramaggiore Facing New SEC Fraud Charges

The Securities and Exchange Commission last week announced it had filed fraud charges against ex-Commonwealth Edison CEO Anne Pramaggiore.

The SEC said it filed charges against Pramaggiore, ComEd and parent company Exelon, alleging they engaged in a "multi-year scheme to corruptly influence and reward" former Illinois House Speaker Michael Madigan. Pramaggiore allegedly violated antifraud provisions and aided and abetted Exelon's and ComEd's "violations of books and records and internal accounting controls provisions."

More: *WTTW*

BLM Approves Nevada Solar Project

The Bureau of Land Management last week approved the second phase of the Townsite Solar 2 project in Boulder City, Nev.

The project will add a capacity of 19 MW with 35 MW of storage. With a total of 180 MW, Townsite Solar is the fifth-largest solar project operating in Nevada.

More: *KLAS*

Granholm: US Aims to Create Nuclear Fusion Facility Within 10 Years

Energy Secretary Jennifer Granholm last week said the Biden administration hopes to create a commercial nuclear fusion facility within 10 years as part of the nation's transition to clean energy.

"It's not out of the realm of possibility" that the U.S. could achieve Biden's "decadal vision of commercial fusion," Granholm said.

A successful nuclear fusion was first achieved by researchers at the Lawrence Livermore National Laboratory last December. Nuclear energy is an essential component of the administration's goal of achieving a carbon pollution-free power sector by 2035 and a net zero emissions economy by 2050.

More: *The Associated Press*

State Briefs

COLORADO

Air Quality Control Commission Approves New Smokestack Rules

The Air Quality Control Commission last week approved new limits on smokestack pollution from 18 large corporations.

The rules call for cuts of up to 20% of the greenhouse gas emissions of such companies as Suncor, Molson Coors and Leprino Foods, and new efforts to trim industrial "co-pollutants" emitted alongside greenhouse gases such as nitrogen oxide, sulfur dioxide and components of ozone. The system allows companies who claim it's too expensive to achieve the cuts to buy pollution "credits" from other companies that have successfully cut emissions. Also, they can pay into a state fund that would finance other pollution reductions in impacted communities.

The vote was immediately denounced by 44 local governments and environmental groups, who called it a cave-in to industry and a gutting of environmental justice laws passed in 2021. The environmental coalition said it may sue the AQCC or push for new legislation directing state officials to fulfill the requirements of House Bill 1266. A group of 16 state senators and representatives also wrote the AQCC before the vote warning that the proposed rules failed to carry out the intent of the legislature.

More: *The Colorado Sun*

FLORIDA

State Supreme Court: PSC Didn't Adequately Justify FPL Rate Increase

The state Supreme Court last week ruled that the Public Service Commission failed to justify why a rate increase for Florida Power & Light was in the public interest and how it was allowed by law.

The 4-2 ruling leaves in place the FPL rate increases that took effect in January 2022 and will culminate in $4.86 billion in additional costs to customers by 2026. However, it also ordered the PSC to "explain why it reached its conclusions" to approve the largest utility rate increase in state history.

The PSC unanimously approved the increase on Oct. 26, 2021, after spending less than an hour in public discussion. The agreement was the result of a settlement with FPL and seven parties that intervened in the case.

More: *The Miami Herald*

ILLINOIS

Appellate Court Lifts Stay on Grain Belt Express Project

The 5th District Appellate Court last week lifted a stay on the Grain Belt Express Transmission Line just weeks after it issued the order.

The initial stay came after Illinois Farm Bureau (IFB) and landowner groups requested the court pause the commerce commission's order approving the project while their appeal of the project was pending. Green Belt Express (GBE) contested the pause by filing an appeal on Aug. 25. In its appeal, GBE argued the order was unclear and it had the right to negotiate with landowners regardless of a Certificate of Public Convenience and Necessity. The IFB and other plaintiffs filed a motion to reconsider the withdrawal of the stay, but the appellate court denied it.

The lifting of the stay means that GBE may seek easements and access to property for surveying while the appeal moves forward.

More: *FarmWeekNow.com*

MICHIGAN

Consumers Energy Aims for Fewer Outages in New Reliability Plan

Consumers Energy officials last week said they will file a new five-year plan with the Public Service Commission to improve reliability for their nearly 2 million ratepayers.

The utility's plan aims to have no customer without power for more than 24 hours and have no outage affect more than 100,000 customers. The company said it will ramp up tree trimming, infrastructure upgrades and technology improvements, as well as burying more power lines in areas with heavy forest canopies.

The announcement comes amid criticism from residents, government officials and politicians after lengthy power outages repeatedly left large swaths of the state in the dark after bad storms.

More: *MLive*

MINNESOTA

Xcel Program to Allow Renting of EV Chargers

Xcel Energy unveiled a program that will let residents rent an EV charger for $16.50 a month in addition to usage.

The resident will not pay for the installation or any maintenance but will pay for any electrical work that has to be done to their home. Customers can also purchase a charger for $770 up front and $6.68 per month plus usage.

More: *WCCO*

OREGON

Portland Approves 5-year, $750M Climate Action Plan

The Portland City Council last week unanimously approved a five-year, $750 million plan aimed at climate action and environmental justice.

The Portland Clean Energy Fund's Climate Investment Plan states that it aims to reduce carbon emissions and ensure residents are better prepared for climate change, with a focus on helping communities of color and low-income residents.

The program will also fund renewable projects and efficiency upgrades, and lower greenhouse gas emissions from the transportation sector by encouraging EV purchases over the next five years.

More: *OPB*

TEXAS

ERCOT: Grid to be Impacted by Oct. 14 Solar Eclipse

ERCOT officials last week confirmed that the Oct. 14 solar eclipse is expected to have major impacts on solar power production.

On Oct. 14, daylight will begin to dim at 10:15 a.m. CT, with maximum coverage occurring at 11:54 a.m. before the partial eclipse ends at 1:33 p.m. Solar energy intake is expected to be hit the hardest at 11:50 a.m. at the height of the eclipse when the system's "clear sky capability" will be reduced to a minimum of 13%.

ERCOT said it plans to share additional information about its plans for the eclipse in the coming weeks.

More: *Chron*

UTAH

Appeals Court Rejects State's Request to Block EPA Smog Rule

The D.C Circuit Court of Appeals last week sided with the Biden administration against the state of Utah in a lawsuit over EPA's "good neighbor" rule that regulates air pollution across state lines.

In its ruling, a panel declined to stay the rule, writing that the plaintiffs "have not satisfied the stringent requirements for a stay pending court review."

The good neighbor rule regulates air pollution that 24 upwind states may produce. Utah in June sued over the rule, arguing the regulations would harm the state's economy and cost millions of dollars in upgrades to coal plants.

More: *The Hill*

VIRGINIA

Botetourt County Approves Solar Farm

Botetourt County supervisors last week approved a 4.5-MW solar farm.

TotalEnergies Renewables USA will install the 11,160-panel Solar Star Buchanan 2 project on 17 acres.

More: *The Roanoke Times*

Former Judge James Dimitri Returns to SCC as Substitute

Former Judge James Dimitri came out of retirement last week to join the State Corporation Commission as a substitute.

Dimitri, who retired in 2018, was recalled under state law to serve as a replacement judge with the departure of another former judge, Patricia West, who had been serving as a substitute to ensure that the depleted panel had a quorum to act on cases. He did not have to agree to his recall as a substitute judge under the law but has deep ties to the SCC.

More: *Richmond Times-Dispatch*

WASHINGTON

Lawsuits Blame Inland Power and Light for Gray Fire

Two lawsuits were filed last week against Inland Power and Light for allegedly sparking a fire that killed a man and burned approximately 240 homes.

One lawsuit filed in Spokane County Superior Court says the company's electrical equipment contacted or caused sparks to surrounding vegetation that started the Gray fire on Aug. 18. It alleges the utility designed its power lines to be bare, uncovered and carry a high voltage. The second lawsuit says an outdoor light constructed by Inland Power was seen sparking near the origin of the blaze.

Inland Power said the cause of the fire is still under investigation, while the Department of Natural Resources said it could take months to determine the cause.

More: *The Associated Press*

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Draft Environmental Statement Prepared for Maryland OSW

Maryland PSC Approves Infinite Net Metering Credit Accumulation

NJ to Add 400 EV Chargers with $12.7M Investment

NJ Extends Third Solicitation OSW Deadline for 'Contingent' Projects

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