

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

Electric Transmission Incentives Policy :
Under Section 219 of the Federal Power Act : **Docket No. RM20-10-000**
:

**MOTION OF THE ISO/RTO COUNCIL
FOR A 30-DAY EXTENSION OF TIME FOR ALL PARTIES TO SUBMIT COMMENTS**

Pursuant to Rules 212 and 2008 of the Federal Energy Regulatory Commission’s (“FERC” or the “Commission”) Rules of Practice and Procedure,¹ the ISO/RTO Council (“IRC”)² moves to extend by thirty days the deadline to submit comments related to the Supplemental Notice,³ which would move the deadline from May 26, 2021 to June 25, 2021 (the “Motion”).

I. BACKGROUND

In the Supplemental Notice, the Commission proposes to revise its 2020 Notice of Proposed Rulemaking⁴ regarding the RTO-Participation Incentive, and introduces a new “Transmission Organization Incentive” which is a 50-basis-point increase in return on equity available to a transmitting utility for only the first three years it transfers operational control of its facilities to a Transmission Organization. As is relevant here, the Commission directed parties to

¹ 18 C.F.R. §§ 385.212, 385.2008 (2021).

² The IRC comprises the following independent system operators (“ISOs”) and regional transmission organization (“RTOs”): Alberta Electric System Operator (“AESO”); California Independent System Operator (“CAISO”); Electric Reliability Council of Texas, Inc. (“ERCOT”); the Independent Electricity System Operator of Ontario, Inc. (“IESO”); ISO New England Inc. (“ISO-NE”); Midcontinent Independent System Operator, Inc. (“MISO”); New York Independent System Operator, Inc. (“NYISO”); PJM Interconnection, L.L.C. (“PJM”); and Southwest Power Pool, Inc. (“SPP”). ERCOT, AESO and IESO are not subject to the FERC’s jurisdiction and therefore do not join this filing.

³ Electric Transmission Incentives Policy Under Section 219 of the Federal Power Act, 86 FR 21972-01 (Apr. 26, 2021) (the “Supplemental Notice”).

⁴ Electric Transmission Incentives Policy Under Section 219 of the Federal Power Act, 85 FR 18784-01 (Apr. 2, 2020) (the “2020 Notice of Proposed Rulemaking”).

submit comments by May 26, 2021 – which is 30 days after publication of the Supplemental Notice in the Federal Register.

II. MOTION FOR EXTENSION OF TIME TO SUBMIT COMMENTS

The Commission is authorized under Rule 2008 to extend “the time by which any person is required or allowed to act under any statute, rule, or order . . . for good cause, upon a motion made before the expiration of the period prescribed or previously extended.”⁵ Good cause exists here to grant the requested extension.

First, as noted above, the Supplemental Notice proposes a different approach to the 2020 Notice of Proposed Rulemaking’s RTO-Participation Incentive. The IRC believes it is reasonable to allow RTO/ISO stakeholders, as well as those RTOs/ISOs that decide to file comments in this docket, more than thirty days to develop comments relating to this proposal.

Second, the thirty-day extension would extend the comment period to that consistent with other recent comment periods the Commission has set in rulemaking dockets and similar proceedings seeking public comment.⁶ All stakeholders, including any interested RTOs and ISOs who may elect to participate, should be provided with a comment period of similar duration to comment periods provided in other proceedings.

Third, any final rule should have the benefit of record evidence.⁷ A modest thirty-day extension of the original comment period will provide stakeholders the opportunity to develop

⁵ 18 C.F.R. § 385.2008 (2021).

⁶ See *The Office of Public Participation*, Docket No. AD21-9-000, Notice Extending Time for Comments (Apr. 23, 2021) (allowing a 63-day comment period); *Cybersecurity Incentives*, Docket No. RM21-3-000, Notice of Proposed Rulemaking (Dec. 17, 2020) (setting 60 day comment period); *Managing Transmission Line Ratings*, Docket No. RM20-16-000, Notice of Proposed Rulemaking (Nov. 19, 2020) (setting 60 day comment period).

⁷ See, e.g., *Electric Transmission Incentives Policy Under Section 219 of the Federal Power Act*, Docket No. RM20-10-000, Statement of Commissioner Glick, dissenting in part, at P 24, P 33 (Mar. 25, 2020) (repeatedly inviting the development of a full record and, in regards to one incentive, noting that “I am eager to review the record assembled in response to this NOPR”); Supplemental Notice at P 2 (Commissioner Christie, concurring) (“ROE adders

such a record in light of the Commission's new approach to implementing Section 219 of the Federal Power Act through the Transmission Organization Incentive.

III. CONCLUSION

For the above reasons, the IRC respectfully requests that the Commission grant this Motion, and extend the deadline for parties to submit comments in this rulemaking docket, from May 26, 2021 to June 25, 2021.

Respectfully submitted,

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needlessly burden consumers with substantial additional costs **without demonstrable evidence** that they actually incentivize the particular action they are aimed at incentivizing” (emphasis added)).

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May 3, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing document upon the parties listed on the official service list in the captioned proceeding, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010).

Dated at Audubon, Pennsylvania this 3rd day of May, 2021

/s/ Mark J. Stanisz
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