



Basic Concepts and Practices for Federal Energy Regulatory Commission (FERC) Participation

Office of Public Participation, November 14, 2024

ISO-NE Consumer Liaison Group



Disclaimer

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Overview

- Intro to FERC and OPP
- Understanding Jurisdiction
 - FERC Roles
 - ISO-NE Roles
 - State Roles
- Participation at FERC
- Current Proceedings and Tech Conferences
- Navigating FERC



Intro to FERC and OPP



FERC Basics

Mission: Assist consumers in obtaining reliable, safe, secure, and economically efficient energy services at a reasonable cost through appropriate regulatory and market means, and collaborative efforts.

Structure:

- **Independent agency** within the Department of Energy
- Commissioners
 - Max 5 (at most three from one party)
 - nominated by POTUS and confirmed by Senate
 - five-year staggered terms, one Chairman

[FERC Basics Website](#)



What Does FERC Regulate?

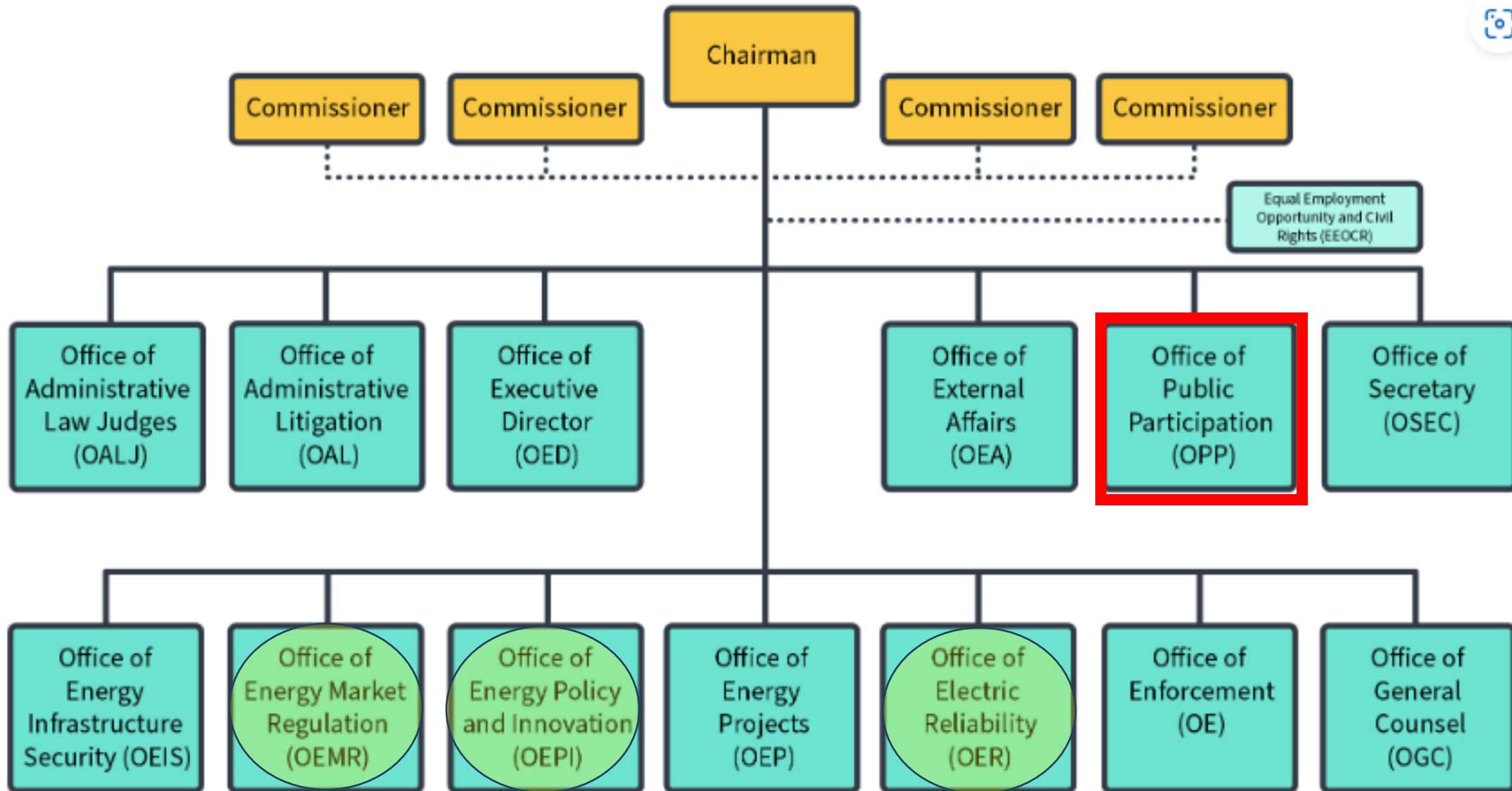
- Wholesale Energy Markets and Rates
- Electric Transmission
- Natural Gas Pipelines
- Liquefied Natural Gas Export/Import
- Oil Pipeline (rates only)
- Hydroelectric Projects

With limited exceptions, FERC does NOT regulate:

- Retail gas or electricity sales
- Distribution grids
- Where and what type of generation gets built
- Where transmission gets built (but see Order 1977)



FERC Program Offices



FERC Office of Public Participation

- **Education and Capacity Building**
 - Explainers and videos
 - Collaborative education
- **Enhanced Outreach**
 - Provide guidance and suggestions
 - Provide additional support
 - Non-decisional staff
- **Assistance with Navigating**
 - Finding cases
 - Filing Comments
- **Community Involvement**
- **Institutional Impact**





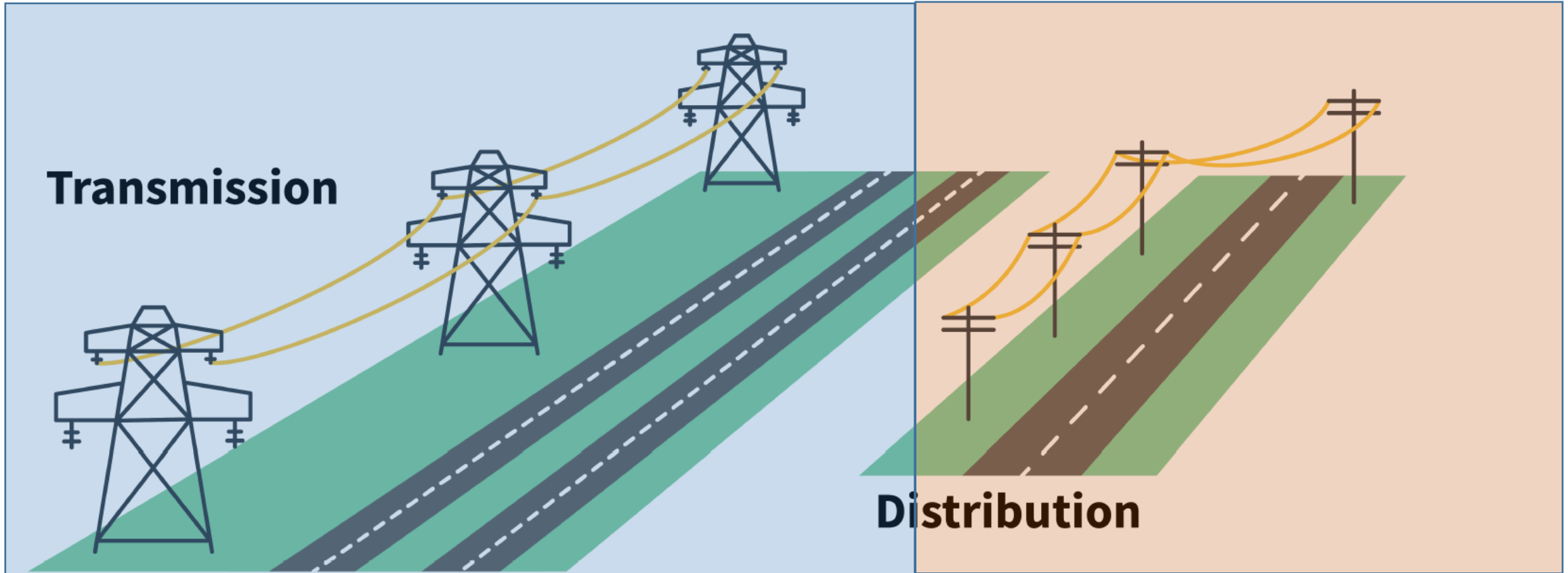
FERC Processes and Regional Markets



FERC

ISO-NE

States



FERC

- Market/Rate/Tariff proceedings
 - Wholesale electric market issues (including RTO issues)
 - Rates, terms and conditions of transmission in interstate commerce
- Reliability
 - Approve reliability standards developed through NERC and reviews NERC-imposed penalties.
- Safety
 - NERC proposes, FERC approves

ISO-NE

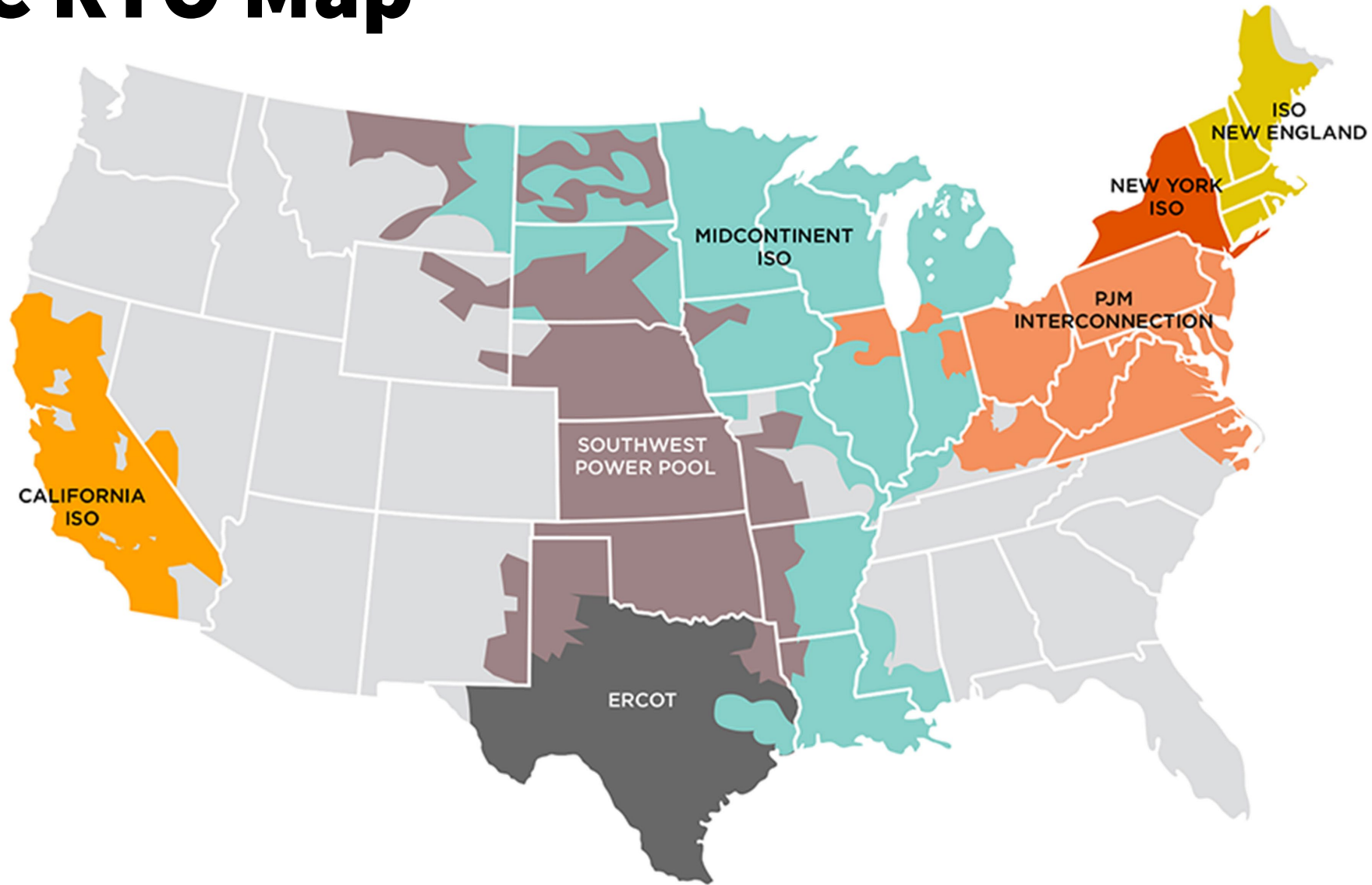
- Planning the Power System
- Grid operations
- Wholesale market design and administration

States

- Local power distribution and sales
- “Siting”
 - Transmission
 - Power generation
- Operations and Maintenance
 - Vegetation Management
 - Distribution planning
 - Interconnection
- Energy Generation Mix
 - Renewable Portfolio Standards
 - Net Metering
 - EE Programs

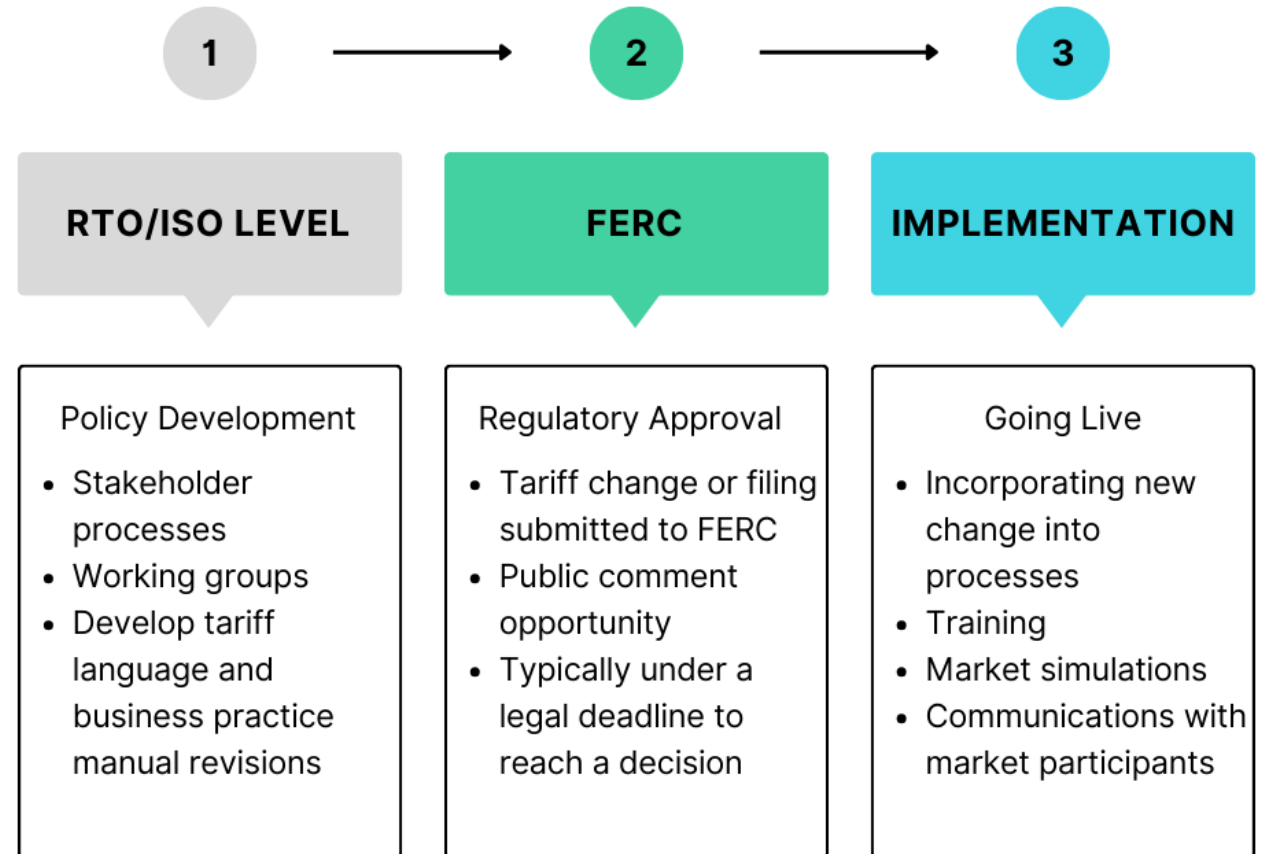


FERC RTO Map



ISO-NE and FERC-level Participation Opportunities

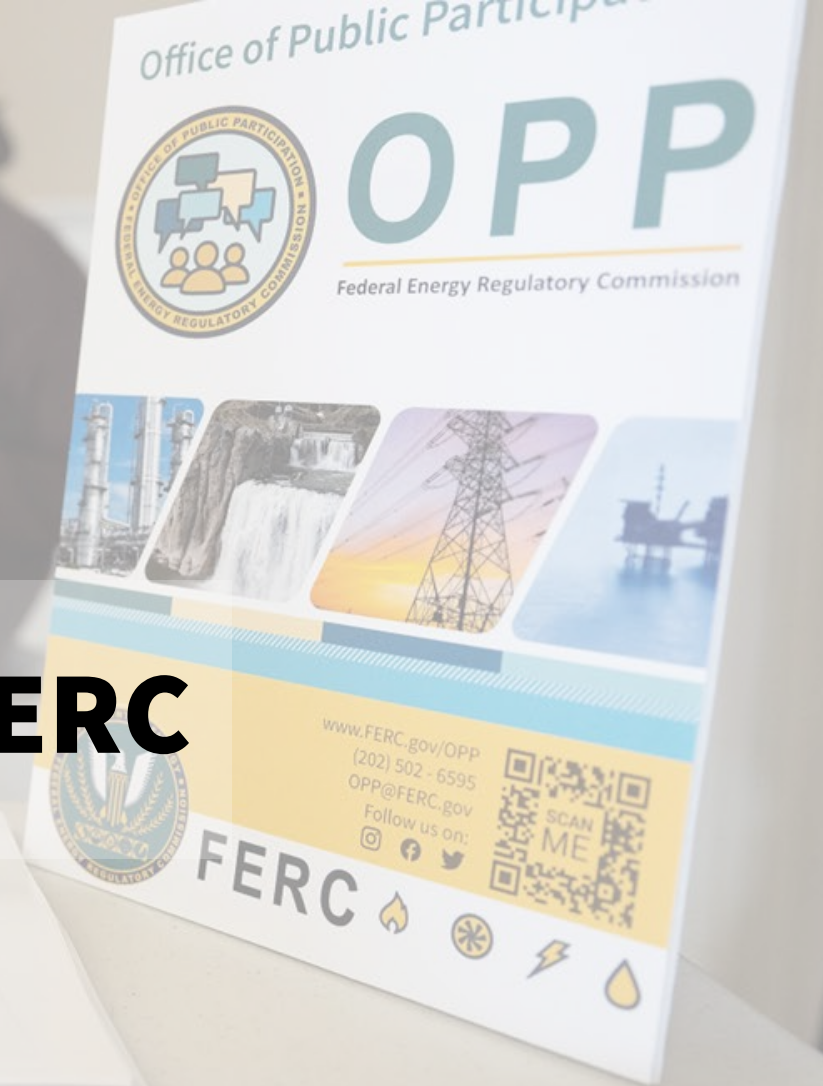
- **Opportunities to shape market policy that can impact your community goals**
 - At the ISO-NE level, getting your ideas and positions in early on is advantageous
 - Once the ISO-NE submits its proposal to FERC, the regulatory clock starts ticking and there are rules and constraints to public comment periods



Participation Opportunities



Participation at FERC



ISO-NE and FERC Approval Process

- **205 filing:
Filed by RTO**

- RTO or TO files for a change to rate/term/conditions
- Participation options include:
 - Comment
 - Intervention
 - Intervention with Protest
- BURDEN: on RTO or TO to prove “Just & Reasonable” (J&R)

- **206 complaint:
Any other party can file**

- FERC or ANY other party can initiate
- Seeks to challenge existing tariff rate/term/condition
- Broad range of rates, terms and conditions that can be considered “J&R”
- BURDEN: On filing party to prove UNjust and UNreasonable.



What Happens Next for a 205/206 case?

After interventions/comments/protests are filed, FERC may

- Rule based on the papers filed;
- Order a “paper hearing” seeking more filings and then rule on the papers (typically for a policy issue);
- Order a trial-type evidentiary hearing;
 - Can have discovery, testimony (oral and written), cross-examination, etc., initial decision by Presiding Judge, FERC Order, or
 - May settle, often with assistance of Settlement Judge, Contested or Uncontested Settlement, Commissioners must approve.
- Conduct a technical conference



Participation Toolkit: Summary

1. **RTO/ISO-level participation** is valuable as an early stage before a proposed project or rule is formally before FERC
2. **FERC-level involvement in proceedings** through submitting comments, interventions, and rehearing requests
3. **FERC rulemakings and technical conferences** contemplate broad policy changes and offer public participation opportunities
4. **Request meetings** with FERC Commissioners, Commission staff, and OPP

OPP helps stakeholders navigate FERC, locate proceedings of interest, and be aware of educational materials and participation opportunities



Major Electric Items at FERC

- **Interconnection Queue Reforms** ((Order No. 2023 and 2023-A), FERC Docket No. RM22-14)
 - GOAL: Relieve interconnection backlogs by mandating cluster study processes
 - Increased financial commitments to reduce speculation
 - Penalties on utilities for excessive study delays
 - Require utilities to evaluate advanced transmission technologies
 - Interested in hearing more? [Innovations and Efficiencies in Generator Interconnection Workshop \(Day 1 of 2\) | Federal Energy Regulatory Commission](#) (AD24-9)
- **Transmission Planning** ((Order No. 1920), FERC Docket No. RM21-17)
 - Require long-term (20 years) regional transmission planning, identify long-term grid needs, and cost allocation
- Status: Subject to numerous rehearing requests. Under appeal.
- **Colocation of (VERY LARGE) Loads at Generating Facilities** (FERC Docket No. AD24-11)
 - Deals with issues arising from large loads like data centers locating at or near plants and using hundreds of MWs
 - [Commissioner-led Technical Conference Regarding Large Loads Co-Located at Generating Facilities | Federal Energy Regulatory Commission](#)



Navigating FERC





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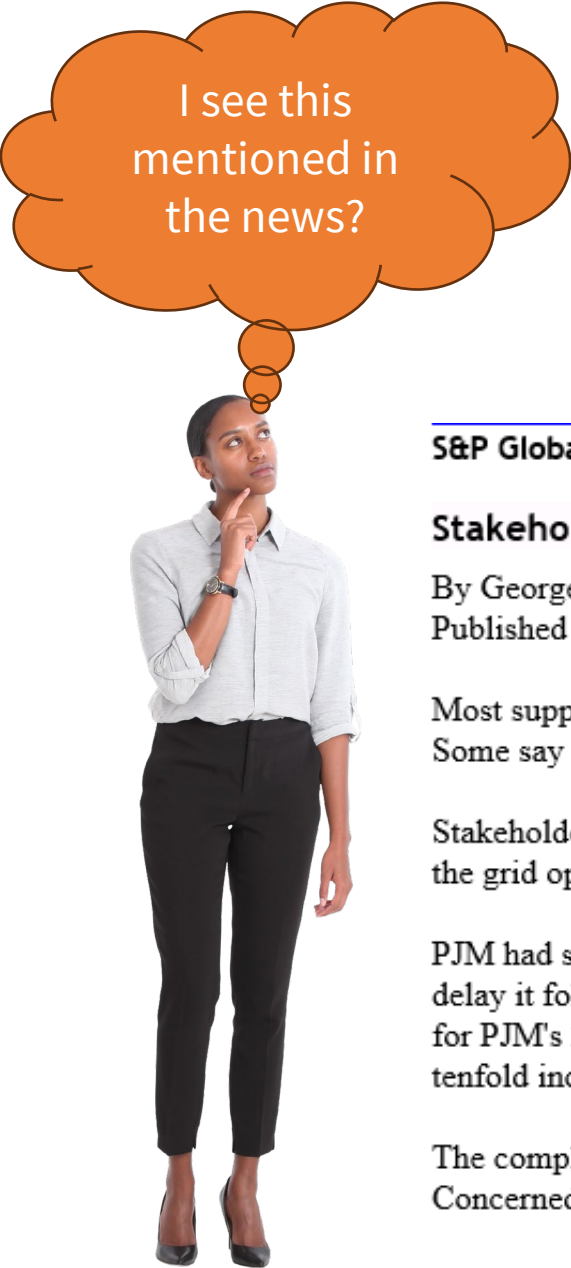
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S&P Global

Stakeholders urge PJM to use capacity auction delay to reform procedures

By George Weykamp

Published on - Wed, 23 Oct 2024 18:10:31 EST

Most support delay only if flaws are addressed
Some say delays undermine confidence in market


Stakeholders are urging federal regulators to approve the PJM Interconnection LLC's request to delay its next capacity auction for six months, but only if the grid operator uses the time to adopt reforms to combat historically high prices.

PJM had slated its next capacity auction to begin in December, but it asked the Federal Energy Regulatory Commission for permission (ER25-118) to delay it following a complaint (EL24-148) by environmental groups claiming the auction's methodology led to unprecedented high prices. Held in July for PJM's 2025/2026 delivery year, that auction cleared at the record high price of \$269.92/MW-day for much of the grid operator's footprint, a nearly tenfold increase from \$28.92/MW-day for the 2024/2025 delivery year auction.

The complaint — filed Sept. 30 by The Sierra Club, Natural Resources Defense Council, Public Citizen, Sustainable FERC Project and Union of Concerned Scientists — said the high prices were caused by market rules that failed to consider resource adequacy contributions of generation resources



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Issuance	20241108-3018	11/08/2024	11/08/2024	ER25-118-000 EL24-148-000	Order Granting Waiver Request and Dismissing Motion re Sierra Club et al. v. PJM Interconnection, L.L.C. under ER25-118 et al. Commissioner See is not participating.	Order/Opinion Commission Order/Opinion	Public	Generate PDF + ER25-118-000.docx
Submittal	20241029-5111	10/29/2024	10/29/2024	ER25-118-000	(doc-less) Motion to Intervene of Exelon Corporation under ER25-118.	Intervention Motion/Notice of Intervention	Public	Generate PDF + 1564452_Interv.txt
Submittal	20241024-5144	10/24/2024	10/24/2024	ER25-118-000 EL24-148-000	Motion for Leave to Answer and Answer of PJM Interconnection, L.L.C. to protests that object the request to delay the upcoming Reliability Pricing Model Auctions under ER25-118 et al.	Pleading/Motion Answer/Response to a Pleading/Motion, Pleading/Motion I	Public	Generate PDF + 20241024-er25-118-000.pdf



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About the Office of Public Participation

The Office of Public Participation's (OPP) mission is to empower, promote, and support public voices at the Federal Energy Regulatory Commission (FERC or the Commission). OPP achieves this mission through direct outreach and education to help people understand:

1. How FERC works
2. What industry/program areas FERC covers
3. How to participate in FERC proceedings

OPP assists landowners, Tribal governments and members, local communities, small businesses, teachers and students, environmental advocates, and anyone else affected by and interested in FERC proceedings by providing information on individual proceedings and responding to requests for technical assistance. OPP will not assist in the actual drafting of pleadings and other submissions, but it can provide guidance and instruction on how to effectively intervene, comment, file motions, or seek rehearing.

OPP also works with other FERC program offices to help FERC improve public access and create procedures that are inclusive, fair, and easy to navigate. This collaboration better ensures that the concerns of Tribal governments and communities, environmental justice communities, and other historically marginalized communities are fully and fairly considered in Commission proceedings.

[OPP's 2023 Annual Report](#) is available to the public. [Archived reports](#) are also available.

All media inquiries should be directed to MediaDL@ferc.gov.

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