

November 26, 2024

VIA E-MAIL

TO: Participants Committee Members and Alternates

RE: Supplemental Notice of December 5, 2024 Participants Committee Annual Meeting

Pursuant to Section 6.6 of the Second Restated New England Power Pool Agreement, supplemental notice is hereby given that the December meeting of the Participants Committee, the 2024 Annual Meeting of the Committee, will be held **in person on Thursday, December 5, 2024 at 10:00 a.m., at the Colonnade Hotel, 120 Huntington Avenue, Boston, MA in the Huntington Ballroom** for the purposes set forth on the attached agenda and posted with the meeting materials at nepool.com/meetings/. Please note the following:

- **Holiday Breakfast:** A holiday breakfast, providing attendees with an opportunity to share a few moments of the holiday season, will begin at **9:00 a.m.**, one hour before the meeting begins.
- **Sector Changes:** Participants wishing to change its Sector for the next year ***must provide us with written notice of that request before the Annual Meeting***. Under Section 6.3 of the NEPOOL Agreement, any Participant request to change the Sector in which it votes becomes effective *at the first annual meeting following that request*.

For those who are unable to attend in person but who are otherwise authorized to attend NEPOOL meetings as Participant representatives or as approved guests, the dial-in number will be **866-803-2146; Passcode: 7169224**. To join Webex, click this [link](#) and enter the event password **nepool**.

Post-Meeting New Member Orientation: We will hold a New Member Orientation following the meeting for anyone wishing to learn more about, or dive deeper into, the aspects of the NEPOOL stakeholder process. There are now more than 30 Entities that became NEPOOL members in 2024. Representatives of these new members and anyone else wanting to learn more about the NEPOOL process are welcome and encouraged to attend. Please let Pat Gerity (pmgerity@daypitney.com) know if you plan to attend the New Member Orientation so we can ensure sufficient space and copies of materials.

Respectfully yours,

/s/

Sebastian Lombardi, Secretary

FINAL AGENDA

1. To approve the draft minutes of the November 7, 2024 Participants Committee meeting. A copy of the draft minutes, marked to show the changes since the minutes were circulated with the initial notice, are included with this supplemental notice and posted with the meeting materials.
2. To adopt and approve the action recommended by the Reliability Committee set forth on the Consent Agenda included with this supplemental notice and posted with the meeting materials.
3. To receive remarks from Commissioner Judy W. Chang, Federal Energy Regulatory Commission.
4. To receive an ISO Chief Executive Officer report. The December CEO report is included with this supplemental notice and posted with the meeting materials.
5. To receive an ISO Chief Operating Officer report. The December COO report will be circulated and posted in advance of the meeting.
6. To receive the 2024 NEPOOL Annual Report.
7. To elect NEPOOL Participants Committee Officers for 2025. A draft resolution reflecting the outcome of the balloting for Participants Committee Chair, as well as candidates for Secretary and Assistant Secretary, is included with this supplemental notice and posted with the meeting materials.
8. To adopt a NEPOOL Budget for 2025. Background materials and a draft resolution are included with this supplemental notice and posted with the meeting materials.
9. To receive a report on current contested matters before the FERC and the Federal Courts. The Litigation Report will be circulated and posted in advance of the meeting.
10. To receive reports from Committees, Subcommittees, and other working groups:
 - Markets Committee
 - Reliability Committee
 - Transmission Committee
 - Budget & Finance Subcommittee
 - Membership Subcommittee
 - Others
11. Administrative matters.
12. To transact such other business as may properly come before the meeting.

Protocols. The NEPOOL general business portions and plenary sessions of the meeting will be recorded, as are all the NEPOOL Participants Committee meetings. NEPOOL meetings, while not public, are open to all NEPOOL Participants, their authorized representatives and, except as otherwise limited for discussions in executive session, consumer advocates that are not members, federal and state officials, and guests whose attendance has been cleared with the Committee Chair. All those participating in this meeting must identify themselves and their affiliation at the meeting. Official records and minutes of meetings are posted publicly. No statements made in NEPOOL meetings are to be quoted or published publicly.

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November 7, 2024 Minutes



66.67%

RESOLVED, that the Participants Committee approves the preliminary minutes of the November 7, 2024 meeting, as circulated in advance of this meeting[, together with any changes agreed to by the Participants Committee at this meeting,] as the final minutes of the November 7, 2024 meeting.

PRELIMINARY

Pursuant to notice duly given, a meeting of the NEPOOL Participants Committee was held beginning at 2:00 p.m. on Thursday, November 7, 2024, at the Seaport Hotel, One Seaport Lane, Boston, Massachusetts, following meetings between each of the Sectors and ISO Board members and State Officials. A quorum, determined in accordance with the Second Restated NEPOOL Agreement, was present and acting throughout the meeting. Attachment 1 identifies the members, alternates, and temporary alternates who participated in the meeting.

Ms. Sarah Bresolin, Chair, presided, and Mr. Sebastian Lombardi, Secretary, recorded.

APPROVAL OF OCTOBER 10, 2024 MEETING MINUTES

Ms. Bresolin referred the Committee to the preliminary minutes of the October 10, 2024 meeting, as circulated and posted in advance of the meeting. Following motion duly made and seconded, the preliminary minutes of that meeting were unanimously approved as circulated, with an abstention by Mr. Jon Lamson noted.

CONSENT AGENDA

Ms. Bresolin then referred the Committee to the Consent Agenda that was circulated and posted in advance of the meeting. A motion to approve the Consent Agenda was then duly made, seconded and approved, with oppositions by Cross-Sound Cable (CSC) and LIPA, and abstentions by BP Energy, Calpine, DTE Energy, Dynegy, Galt Power, Generation Bridge, Mercuria, Nautilus, Wheelabrator, and End User Participants Mr. Alan Sliski and Mr. Lamson noted. The oppositions, as well as most of the abstentions, were specifically attributed to the HQICC and/or the ICR and Related Values for the Annual Reconfiguration Auctions (ARAs) for the 2025-26, 2026-27, and 2027-28 Capacity Commitment Periods (Consent Agenda Items 4 and

5). Further explaining their votes, the representatives for CSC and LIPA stated that their oppositions stemmed from their long-standing objections to the ISO's determination that the Cross-Sound Cable has no capacity import capability into New England, disregarding what they asserted ed is the project's reliability benefits to Connecticut and the region.

ISO CEO REPORT

There having been no ISO Board or Board Committee meetings since the October 10 Participants Committee meeting on which to report, Mr. Gordon van Welie, ISO Chief Executive Officer (CEO), simply invited any member comments or questions. No comments or questions were offered.

ISO COO REPORT

Operations Report

Dr. Vamsi Chadalavada, ISO Chief Operating Officer (COO), began by referring the Committee to his November operations report, which had been circulated and posted in advance of the meeting. Dr. Chadalavada noted that the data in the report was through October 30, 2024, unless otherwise noted. The November report highlighted: (i) that the Peak Hour for October, with 14,736 MW of Revenue Quality Metered (RQM) Data (including settlement-only generation), occurred on October 28, 2024 during the hour ending at 7:00 p.m.; (ii) October averages for Day-Ahead Hub LMP (\$35.94/MWh), Real-Time Hub LMP (\$34.86/MWh), and natural gas prices (\$1.79/MMBtu); (iii) Energy Market value for October 2024 was \$338 million, up from \$259 million in October 2023 and up from the updated September 2024 Energy Market value of \$320 million; (iv) Ancillary Markets value (\$6.5 million) was down from October 2023 (\$11.6 million); (v) average Day-Ahead cleared physical energy during the peak hours as a

percentage of forecasted load was 99.1% during October (down from 100.3% reported for September 2024); (vi) Daily Net Commitment Period Compensation (NCPC) payments for October totaled \$3.4 million, comprised of (a) \$3.4 million in first contingency payments, including \$346,500 in Dispatch Lost Opportunity Costs, \$297,100 in Rapid Response Pricing Opportunity Costs, [and](#) \$1.1 million paid to resources at external locations, (b) [no](#) Second Contingency, Distribution, [grand](#) Voltage payments ~~were zero~~; and (vii) Forward Capacity Market (FCM) value was \$119.7 million.

In response to a member's question, Dr. Chadalavada clarified that the slight uptick in October NCPC was not due to maintenance outages, but rather to the duck curve experienced on 14 days during the month, which created a low intra-day LMP and triggered some make-whole payments. He went on to explain that, to date in 2024, there had been close to 100 days where the minimum load occurred mid-day versus during the overnight hours. He also noted that October 2024, seasonable and very sunny, had the lowest October Real-Time loads in the 21 years since Standard Market Design (SMD) went live in 2003. October 2024's lowest minimum load registered approximately 7,000 MWh. October's average hourly, Real-Time load was 11,000 MWh, again a historic low. Solar output continued to demonstrate strong growth, up almost 32% from October 2023, with the maximum behind-the-meter solar output on October 12 at approximately 5,000 MWh. Dr. Chadalavada also reported that there were no new transmission outages to note heading into the winter season.

When asked for additional information on FCM highlights, Dr. Chadalavada estimated that the aggregate amount of MWs that had qualified in the interim qualification process over the past year was approximately 1,389 MW (summer qualified capacity).

2024-2025 Winter Outlook

Dr. Chadalavada reported that the temperature outlook by the National Oceanic and Atmospheric Administration (NOAA) for December 2024 through February 2025 indicated a 33-40% probability of above-normal temperatures for northern New England, while southern New England has a 40-50% probability of above-normal temperatures, the third year in a row for expected above average temperatures in New England.

Turning to Winter 2024/25 expectations, Dr. Chadalavada reported that the ISO was predicting a 50/50 winter peak of approximately 20,300 MW and a 90/10 peak of approximately 21,000 MW. He noted that the Inventoried Energy Program (IEP) would be in effect for winter 2024/25 and that there were no expectations for any material generation or transmission outage issues. He said that transfer capability across the New York (NY) northern ties would be increased by 200 MW, to 1,600 MW, consistent with practice in the past four winter seasons. He said that there [we](#)are no expected concerns with natural gas deliverability, though the ISO identified anywhere from approximately 4,000 – 4,800 MW of gas-only units that might be at risk on really cold days and had factored that into its capacity analysis. He also reported that the Saint John liquefied natural gas (LNG) tanks were expected to be full (at approximately 10 billion cubic feet (Bcf)) heading into the winter. Fuel oil inventories stood at 113 million gallons, which represented roughly half of New England's maximum capacity.

Dr. Chadalavada then proceeded to explain the energy analysis for an [e](#)Extreme Winter 2024/25. He noted that the ISO had moved away from a deterministic methodology used in prior years to one employing the Probabilistic Energy Adequacy Tool (PEAT) for the upcoming winter. He provided a summary of how things might play out in cases of very low probability events of varying duration. He said that the ISO believed potential shortfalls to be manageable,

with time for relief from market response and for other preventative/remedial actions to be employed.

In response to a question, Dr. Chadalavada clarified that PEAT only studies tail risk in extreme weather conditions, and not expected, less extreme conditions. He suggested that Participants could expect conditions significantly better than those modeled, and [could](#) take some comfort that the worst case, as benchmarked, failed to unsettle the ISO.

Replying to additional questions, Dr. Chadalavada explained how the ISO had incorporated the IEP program as an input to its model as well as its impact. He suspected that, without an IEP, the maximum shortfall would have increased, though without materially impacting probability percentages, presaging a conversation the ISO planned to have with stakeholders in the early part of 2025 regarding Winter 2025/26. Dr. Chadalavada also acknowledged that winter increases to the transfer limit of the NY ties would be impacted by the implementation of *Order 881* ambient-adjusted transmission line ratings, though given recent New York deferral requests, those impacts were unlikely to kick in for a number of years.

LITIGATION REPORT

Mr. Lombardi referred the Committee to the November 5, 2024 Litigation Report that had been circulated and posted before the meeting. He highlighted the following three developments: (i) the filing of the 2025 ISO and NESCOE Budgets; (ii) ongoing litigation related to the Financial Assurance Policy Revisions to mitigate the risk of Pay-for-Performance (PFP) penalty payment defaults; and (iii) in a non-New England matter, an order rejecting proposed amendments to an interconnection service agreement among PJM, PPL and

Susquehanna related to a 480 MW increase in co-located load. Mr. Lombardi encouraged anyone with questions on any matter in the Litigation Report to reach out to NEPOOL Counsel.

COMMITTEE REPORTS

Markets Committee (MC). Mr. Bill Fowler, MC Vice-Chair, reported that the next MC meeting would be on November 13, 2024 at the DoubleTree Hotel in Westborough. He said that main discussion topic would be on the Capacity Auction Reforms (CAR) project.

Reliability Committee (RC). Mr. Bob Stein, RC Vice-Chair, reported that the next RC meeting would be on November 19, 2024 at the DoubleTree Hotel in Westborough. Among the items to be discussed would be ~~the Probabilistic Energy Adequacy Tool (PEAT)~~ enhancements and an introduction of the ISO's initial Regional Energy Shortfall Threshold (REST) metric(s) proposal.

Transmission Committee (TC). Mr. Dave Burnham, TC Vice-Chair, reported that the next TC meeting would be November 21, 2024. At that meeting, the TC would continue discussion on the ISO's proposed economic study on Phase II process improvements as well as initial discussion on Transmission Operating Agreements for the new NECEC line. Looking ahead to December, Mr. Burnham reported that the TC ~~would~~ have its first discussion on the ISO's compliance approach in response to FERC *Order 904*, which required changes to reactive power compensation.

Budget & Finance Subcommittee. Mr. Tom Kaslow reported that the next B&F meeting would be on November 22, 2024, and would include consideration of NEPOOL's 2025 Budget.

Membership Subcommittee. Mr. Brad Swalwell, Membership Subcommittee Chair, reported that the next Membership Subcommittee meeting was scheduled by Zoom for Tuesday, November 12, 2024.

ADMINISTRATIVE MATTERS

NESCOE

Ms. Heather Hunt, NESCOE Executive Director, stated that NESCOE was seeking written feedback on the letter, related to long-term transmission requests for proposals, presented for initial discussion at the October 23, 2024 Planning Advisory Committee (PAC) meeting. NESCOE planned to post the feedback online to ensure uniformity of information available to all. NESCOE was also considering supplementing that information with an online frequently asked questions (FAQ) feature to address questions raised. She encouraged those interested to visit the NESCOE website.

NECPUC

Mr. George Twigg, NECPUC Executive Director, reported on NECPUC's Retail Demand Working Group. He said that NECPUC had held number of meetings throughout 2024, with the group on a brief hiatus while NECPUC synthesized^{ds} the input received to date. He reported that NECPUC's proposal for technical assistance from the Department of Energy's National Laboratories (National Labs) had been approved. National Labs would help establish baseline information regarding successful programs in other jurisdictions, as well as the potential for Retail Demand Response to help address winter resource adequacy issues in New England. National Labs was expected to produce interim and final findings in the first and second quarters of 2025, respectively. NECPUC would coordinate the issuance of its final report with that of

National Labs'. Mr. Twigg encouraged those interested to ensure they are on NECPUC's stakeholder distribution list and to reach out to him if not. Announcements regarding future meetings would be made soon.

Other Administrative Matters

Mr. Lombardi reminded Committee members that, if they had not yet returned a ballot for the selection of the 2025 NPC Chair, the deadline for the return of ballots and realization of the associated Minimum Response Requirement was the following day.

He separately noted that the next Participants Committee meeting would be the Annual Meeting, scheduled for December 5, 2024 at the Colonnade Hotel in Boston, with the traditional holiday breakfast scheduled to begin at 9:00 a.m. FERC Commissioner Judy Chang had been invited to speak at that meeting and formal confirmation of her acceptance would be circulated if, and when, verified.

Finally, referring to the 2024 NEPOOL Annual Report, then under construction, Mr. Lombardi encouraged members to submit photos of their companies, assets, or facilities, so as to enhance the Report's visual presentation summarizing NEPOOL developments in 2024.

There being no other business, the meeting adjourned at 2:42 p.m.

Respectfully submitted,

Sebastian Lombardi, Secretary

**PARTICIPANTS COMMITTEE MEMBERS AND ALTERNATES
PARTICIPATING IN THE NOVEMBER 7, 2024 MEETING**

PARTICIPANT NAME	SECTOR/ GROUP	MEMBER NAME	ALTERNATE NAME	PROXY
Advanced Energy United	Assoc. Non-Voting		Alex Lawton	
AR Renewable Generation (RG) Large Group Seat	AR-RG		Aidan Foley	
Ashburnham Municipal Light Plant	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
AVANGRID: CMP/UI	Transmission	Alan Trotta	Jason Rauch	
Bath Iron Works	End User			Bill Short
Belmont Municipal Light Department	Publicly Owned Entity		Dave Cavanaugh	
Block Island Utility District	Publicly Owned Entity	Dave Cavanaugh		
BlueWave Public Benefit Corp.	AR-DG	Mike Berlinski (tel)		
Boylston Municipal Light Department	Publicly Owned Entity	Matt Ide (tel)		Dan Murphy
BP Energy Company	Supplier			José Rotger
Braintree Electric Light Department	Publicly Owned Entity		Dave Cavanaugh	
Brookfield Energy Trading and Marketing LLC	Supplier	Aleks Mitreski		
Castleton Commodities Merchant Trading	Supplier			Bob Stein
Chester Municipal Light Department	Publicly Owned Entity		Dave Cavanaugh	
Chicopee Municipal Lighting Plant	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Concord Municipal Light Plant	Publicly Owned Entity		Dave Cavanaugh	
Connecticut Municipal Electric Energy Coop.	Publicly Owned Entity	Brian Forshaw (tel)		
Connecticut Office of Consumer Counsel	End User	Claire Coleman (tel)	Jamie Talbert-Slagle (tel)	
Constellation Energy Generation (Constellation)	Supplier		Bill Fowler	
CPV Towantic, LLC	Generation	Joel Gordon (tel)		
Cross-Sound Cable Company (CSC)	Supplier		José Rotger	
Danvers Electric Division	Publicly Owned Entity		Dave Cavanaugh	
DTE Energy Trading, Inc.	Supplier			José Rotger
Dargin and Crowell Lumber Co.	End User			Bill Short
Dominion Energy Generation Mktg	Generation	Wes Walker (tel)		
ECP Companies Calpine Energy Services, LP New Leaf Energy	Generation	Andy Gillespie	Alex Chaplin	Bill Fowler
Elektrisola, Inc.	End User			Bill Short
Emera Energy Services	Supplier			Bill Fowler
ENGIE Energy Marketing NA, Inc.	AR-RG	Sarah Bresolin		
Eversource Energy	Transmission		Dave Burnham	Vandan Divatia
FirstLight Power Management, LLC	Generation	Tom Kaslow		
Galt Power, Inc.	Supplier	José Rotger	Jeff Iafrazi (tel)	Steve Conant (tel)
Garland Manufacturing Company	End User			Bill Short
Generation Bridge Companies	Generation		Bill Fowler	
Generation Group Member	Generation		Abby Krich (tel)	
Georgetown Municipal Light Department	Publicly Owned Entity		Dave Cavanaugh	
Groton Electric Light Department	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Granite Shore Companies	Generation			Bob Stein
Groveland Electric Light Department	Publicly Owned Entity		Dave Cavanaugh	
H.Q. Energy Services (U.S.) Inc. (HQUS)	AR-RG		Bob Stein	
Hammond Lumber Company	End User			Bill Short
High Liner Foods (USA) Inc.	End User		Bill Short	
Hingham Municipal Lighting Plant	Publicly Owned Entity		Dave Cavanaugh	
Holden Municipal Light Department	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Holyoke Gas & Electric Department	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Hull Municipal Lighting Plant	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Icetec Energy Services, Inc.	AR-LR	Doug Hurley		
Ipswich Municipal Light Department	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Jericho Power LLC (Jericho)	AR-RG	Ben Griffiths	Nancy Chafetz (tel)	Marji Philips

**PARTICIPANTS COMMITTEE MEMBERS AND ALTERNATES
PARTICIPATING IN THE NOVEMBER 7, 2024 MEETING**

PARTICIPANT NAME	SECTOR/ GROUP	MEMBER NAME	ALTERNATE NAME	PROXY
Lamson, Jon	End User	Jon Lamson (tel)		
Littleton (MA) Electric Light and Water Department	Publicly Owned Entity		Dave Cavanaugh	
Littleton (NH) Water & Light Department	Publicly Owned Entity		Craig Kieny (tel)	
Long Island Power Authority (LIPA)	Supplier	Bill Kilgoar (tel)		
Maine Public Advocate's Office	End User			Chelsea Mattioda (tel) Stefan Koester (tel)
Mansfield Municipal Electric Department	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Marblehead Municipal Light Department	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Mass. Attorney General's Office (MA AG)	End User	Jacquelyn Bihrlle (tel)	Kelly Caiazzo (tel)	Jamie Donovan (tel)
Mass. Bay Transportation Authority	Publicly Owned Entity		Dave Cavanaugh	
Mass. Dept. Capital Asset Management	End User		Paul Lopes (tel)	Nancy Chafetz (tel)
Mass. Municipal Wholesale Electric Company	Publicly Owned Entity	Matt Ide (tel)	Dan Murphy	
Mercuria Energy America, LLC	Supplier			José Rotger
Merrimac Municipal Light Department	Publicly Owned Entity		Dave Cavanaugh	
Middleborough Gas & Electric Department	Publicly Owned Entity		Dave Cavanaugh	
Middleton Municipal Electric Department	Publicly Owned Entity		Dave Cavanaugh	
Moore Company	End User			Bill Short
Natural Resources Defense Council	End User	Claire Lang-Ree (tel)		
Nautilus Power, LLC	Generation		Bill Fowler	
New England Power (d/b/a National Grid)	Transmission	Tim Brennan	Tim Martin	
New England Power Generators Assoc. (NEPGA)	Associate Non-Voting	Bruce Anderson		Molly Connors (tel)
New Hampshire Electric Cooperative	Publicly Owned Entity			Brian Forshaw (tel)
New Hampshire Office of Consumer Advocate	End User	Matthew Fossum		Stefan Koester (tel)
NextEra Energy Resources, LLC	Generation		Nick Hutchings	
North Attleborough Electric Department	Publicly Owned Entity		Dave Cavanaugh	
Norwood Municipal Light Department	Publicly Owned Entity		Dave Cavanaugh	
Nylon Corporation of America	End User			Bill Short
Pascoag Utility District	Publicly Owned Entity		Dave Cavanaugh	
Pawtucket Power Holding Company	Generation	Dan Allegretti		
Paxton Municipal Light Department	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Peabody Municipal Light Department	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
PowerOptions	End User			Chelsea Mattioda (tel)
Princeton Municipal Light Department	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Reading Municipal Light Department	Publicly Owned Entity		Dave Cavanaugh	
Rhode Island Energy (Narragansett Electric Co.)	Transmission	Brian Thomson		Janelle Fabiano
Rowley Municipal Lighting Plant	Publicly Owned Entity		Dave Cavanaugh	
Russell Municipal Light Dept.	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Saint Anselm College	End User			Bill Short
Shell Energy North America (US) LP	Supplier	Jeff Dannels		
Shipyard Brewing LLC	End User			Bill Short
Shrewsbury Electric & Cable Operations	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Sliski, Alan	End User	Alan Sliski		
South Hadley Electric Light Department	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Sterling Municipal Electric Light Department	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Stowe Electric Department	Publicly Owned Entity		Dave Cavanaugh	
Tangent Energy	AR-LR	Brad Swalwell		
Taunton Municipal Lighting Plant	Publicly Owned Entity		Dave Cavanaugh	
Templeton Municipal Lighting Plant	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Union of Concerned Scientists	End User			Francis Pullaro (tel)
Vermont Electric Company	Transmission	Frank Ettori		

**PARTICIPANTS COMMITTEE MEMBERS AND ALTERNATES
PARTICIPATING IN THE NOVEMBER 7, 2024 MEETING**

PARTICIPANT NAME	SECTOR/ GROUP	MEMBER NAME	ALTERNATE NAME	PROXY
Vermont Electric Cooperative	Publicly Owned Entity	Craig Kienny (tel)		
Vermont Energy Investment Corporation	AR-LR	Stefan Koester (tel)		Chelsea Mattioda (tel)
Vermont Public Power Supply Authority	Publicly Owned Entity			Brian Forshaw (tel)
Versant Power	Transmission	Dave Norman		
Village of Hyde Park (VT) Electric Department	Publicly Owned Entity	Dave Cavanaugh		
Vistra (Dynegy Marketing and Trade, Inc.)	Supplier	Ryan McCarthy		Bill Fowler
Wakefield Municipal Gas & Light Department	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Walden Renewables Development LLC	Generation			Abby Krich (tel)
Wallingford DPU Electric Division	Publicly Owned Entity		Dave Cavanaugh	
Wellesley Municipal Light Plant	Publicly Owned Entity		Dave Cavanaugh	
West Boylston Municipal Lighting Plant	Publicly Owned Entity		Matt Ide (tel)	Dan Murphy
Westfield Gas & Electric Department	Publicly Owned Entity		Dave Cavanaugh	
Wheelabrator North Andover Inc.	AR-RG		Bill Fowler	
ZTECH, LLC	End User			Bill Short

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Consent Agenda



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1. Revisions to PP-3 (Aligning with NPCC and NERC Criteria PP-3's Automatic Exclusions for Adjacent Circuits on a Common Tower Contingencies)

RESOLVED, that the Participants Committee approves the Consent Agenda as circulated in advance of this meeting.

CONSENT AGENDA

Reliability Committee (RC)

*From the previously-circulated notice of actions of the RC's **November 19, 2024 meeting**, dated November 19, 2024.¹*

1. Revisions to PP-3 (Aligning with NPCC and NERC Criteria PP-3's Automatic Exclusions for Adjacent Circuits on a Common Tower Contingencies)

Support the proposed revisions to ISO New England Planning Procedure No. 3 (Reliability Standards for the New England Area Pool Transmission Facilities) (PP-3),² as recommended by the RC at its November 19, 2024 meeting, together with such further non-material changes as may be approved by the RC Chair and Vice-Chair.

The motion to recommend Participants Committee support was approved unanimously, with one abstention in the End User Sector.

¹ RC Notices of Actions are posted on the ISO-NE website at: <https://www.iso-ne.com/committees/reliability/reliability-committee/?document-type=Committee%20Actions>.

² The PP-3 Revisions align with NPCC and NERC criteria PP3's automatic exclusion rules for contingencies that involve adjacent circuits on a common tower.

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FERC Commission Judy Chang Remarks



Commissioner Judy W. Chang



Judy Chang joined the Federal Energy Regulatory Commission as a Commissioner in July 2024.

Commissioner Chang is an energy economics and policy expert with more than 20 years of experience working with energy companies, trade associations and governments on regulatory and financial issues, particularly as they relate to investment decisions in electric transmission, clean energy and energy storage.

She is the former Undersecretary of Energy and Climate Solutions for Massachusetts, a role in which she led efforts to set policies across the Commonwealth's energy sector and align strategies and plans to meet legal requirements for climate change mitigation. Commissioner Chang has presented and testified before U.S. federal and state agencies and regulatory authorities in Canada on topics related to energy resource deployment; energy contracts; transmission planning, access and pricing; and electricity market design. She has presented her work at industry conferences and academic seminars on energy and environmental policies.

Commissioner Chang has taught as an Adjunct Lecturer in Public Policy at the Harvard Kennedy School and served as a Senior Fellow at the Kennedy School's Mossavar-Rahmani Center for Business and Government. She also served as an ambassador for the U.S. Department of Energy's Clean Energy Education & Empowerment Initiative and was a founding board member of New England Women in Energy and the Environment.

Commissioner Chang holds a Master of Public Policy from Harvard Kennedy School and a Bachelor of Science in Electrical Engineering and Computer Science from the University of California, Davis.

Sworn In

July 15, 2024

Term Expires

June 30, 2029

Contact

[Request a Meeting →](#)

Staff

STEVEN WELLNER

Senior Legal Advisor

KATHLEEN RATCLIFF

Senior Policy Advisor

ANNIE BLANCHARD

Legal Advisor

ADAM POLLOCK

Technical Advisor

PEARL DONOHOO-VALLETT

Technical Advisor

This page was last updated on October 24, 2024

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CEO Report



Summary of ISO New England Board and Committee Meetings
December 5, 2024 Participants Committee Meeting

Since the last update, the Audit and Finance Committee, the Compensation and Human Resources Committee, the Markets Committee, the Nominating and Governance Committee, and the System Planning and Reliability Committee each met on November 5. The Board of Directors met on November 5 and 6. All of the meetings were held in Boston, Massachusetts.

The Audit and Finance Committee received an annual update on the availability of an internet- and telephone-based tool for anonymously reporting compliance issues. The Committee was provided with a report on current budget performance, along with an update on interest rates. The Committee then reviewed and approved the unaudited financial statements for the third quarter after receiving a report on the related disclosure control process. Next, the Committee met with representatives of KPMG, the Company's external auditors, to discuss the scope and preliminary results of the 2024 System and Organization Controls Report and resulting unqualified audit opinion. KPMG also provided an overview of work plans and timing for the financial statements audit. The Committee met with KPMG in executive session to ensure that the auditors had the opportunity to make any necessary reports without management present. Next, the Committee received a report on internal audit activities. The Committee reviewed its calendar for the upcoming year and, during executive session, reviewed the proposed corporate goals for 2025.

The Compensation and Human Resources Committee discussed key dates and deliverables for 2025 goal setting and conducting the corporate performance review for 2024. The Committee also received a report on employee compliance with the Code of Conduct following the annual collection of certificates. Next, the Committee reviewed its calendar for the upcoming year. Finally, during an executive session, the Committee discussed director and executive compensation benchmarking reviews prepared by Mercer, the Company's compensation consultant.

The Markets Committee was provided with a summary of market performance for the 2024 summer season from the internal and external market monitors, and discussed the increase in wholesale market costs which were largely driven by higher load. Next, the Committee discussed the market-related topics raised by stakeholders for discussion at the Board's meetings with stakeholders. The Committee then reviewed its calendar for the upcoming year. Following that discussion, the Committee held an executive session to consider the proposed corporate goals for 2025.

The Nominating and Governance Committee discussed the 2025 Joint Nominating Committee process and conversations with members of the Board about the incumbents who are eligible for re-election. Next, the Committee discussed possible site visits and potential guest speakers to meet with the Board in 2025 as part of the Board's continuing education program. The Committee also provided feedback on the substance of a new policy regarding director communications, and discussed potential components of the new policy, such as limitations on

email correspondence, records retention, or use of personal devices. The Committee then reviewed its calendar for the upcoming year.

The System Planning and Reliability Committee reviewed summer operations for 2024 and the outlook for the upcoming winter. The Committee received updates on various operations and planning activities, including economic studies and special study requests, long-term transmission planning, compliance with the Federal Energy Regulatory Commission's Order No. 2023, and winter preparedness. The Committee was also provided with a preview of major activities through the end of 2024 and beginning of 2025. The Committee reviewed key operations and planning metrics, as well as reliability standards compliance, and was informed of updates to the Regional System Plan project costs and timelines. Next, the Committee received a report on staffing resources in the System Planning department, and then discussed potential requests for proposals under the new long-term planning process. The Committee also reviewed its calendar for the upcoming year and held an executive session to discuss the proposed corporate goals for 2025.

The Board of Directors convened in executive session to take action on a number of recommendations from the Compensation and Human Resources Committee. Following the executive session, the Board received the report of the CEO, including an update on achievement of corporate goals to date and plans for hosting the 2025 ISO/RTO Council Board Conference. Next, the Board prepared for its meetings with the NEPOOL sectors, as well as the annual open meeting of the Board. The Board then recognized Peter Brandien's upcoming retirement, and the promotion of Stephen George, and congratulated them both.

The next day, the Board reconvened and considered a recommendation from the Nominating and Governance Committee for lunchtime speakers as an addition to the director education program. Suggested topics include sustainability strategy, cyber security, industry and technology trends, and artificial intelligence. The Board agreed to proceed with a pilot program, beginning in January 2025. The Board then received reports from the standing committees. During the System Planning and Reliability Committee report, the Board approved modifications to the Committee's charter that outline and clarify the Committee's responsibilities in more detail and specify that at least one committee member must have relevant expertise in transmission planning or operations. Finally, the Board reviewed its calendar for the upcoming year.

Separately, the Board met with the NEPOOL sectors and conducted an open meeting.

5 COO Report – Operations Report Highlights





NEPOOL Participants Committee Report

December 2024

Vamsi Chadalavada

EXECUTIVE VICE PRESIDENT AND CHIEF OPERATING OFFICER



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Regular Operations Report - Highlights



Highlights: November 2024

- **Peak Hour** on November 13
 - 15,714 MW system peak (Revenue Quality Metered/RQM); hour ending 6:00 P.M.
- **Average Pricing**
 - Day Ahead (DA) Hub Locational Marginal Price (LMP): \$37.28/MWh
 - Real Time (RT) Hub LMP: \$38.48/MWh
 - Natural Gas: \$1.86/Mmbtu (MA Natural Gas Avg)
- **Energy Market** value \$320M, down from \$398M in November 2023
 - Ancillary Markets* value \$5.3M, down from \$13.8M in November 2023
 - Average DA cleared physical energy** during the peak hours as percent of forecasted load was 96.0% during November, down from 98.9% during October
 - Updated October Energy Market value: \$350M
- **Net Commitment Period Compensation (NCPC)** total \$2.3M
 - Represents 0.7% of monthly Energy Market value
 - First Contingency \$2.2M
 - Dispatch Lost Opportunity Cost (DLOC) - \$352K; Rapid Response Pricing (RRP) Opportunity Cost - \$240K; Posturing - \$0; Generator Performance Auditing (GPA) - \$294K
 - \$442K paid to resources at external locations, down \$678K from October
 - \$378K charged to Day Ahead Load Obligation (DALO) at external locations, \$64K to RT Deviations
 - Second Contingency \$29.2K
 - Distribution and Voltage were zero.
- **Forward Capacity Market (FCM)** market value \$119.7M
 - FCM peak for 2024 is currently 24,461 MWh

*Ancillaries = Reserves, Regulation, NCPC, less Marginal Loss Revenue Fund

**DA cleared physical energy is the sum of Generation and Net Imports cleared in the DA Energy Market

Underlying natural gas data furnished by:



Highlights

- 2050 Transmission Study draft report on additional analysis to address stakeholder comments is expected to be issued by the end of 2024
- 2024 Economic Study Benchmark Scenario has been completed and the Policy and Stakeholder-Requested Scenarios are being analyzed between now and Q1 2025



Forward Capacity Market (FCM) Highlights

- CCP 15 (2024-2025)
 - The ISO held the third annual reconfiguration auction (ARA3) over March 1-5 and posted the results on April 3
- CCP 16 (2025-2026)
 - The ISO held the second annual reconfiguration auction (ARA2) over August 1-5 and posted the results on August 30
- CCP 17 (2026-2027)
 - The ISO held the first annual reconfiguration auction (ARA1) over June 3-5 and posted the results on July 2

FCM Highlights, cont.

- CCP 18 (2027-2028)
 - The ISO filed the auction results with FERC on February 21 and, on June 18, FERC issued an order accepting the results effective June 20
 - The ISO filed the ICR and related values for the ARAs to be conducted in 2025 with FERC on November 22, with a requested effective date of January 21, 2025
- CCP 19 (2028-2029)
 - The ISO filed market rule changes to delay FCA 19 for two additional years with FERC on April 5
 - On May 20, FERC issued an order accepting the additional delay to FCA 19
 - 2024 interim RA qualification process completed on November 1
 - A total of 1,389 MW (summer Qualified Capacity) was qualified to participate in future reconfiguration auctions
 - No ICR and related values will be calculated for CCP 19 until the CAR project is completed

Load Forecast

- A new hourly forecast methodology is being implemented as part of the 2024/25 load forecasting cycle, and is being discussed at the Load Forecast Committee (LFC)
- The next LFC meeting will be held on December 13



SYSTEM OPERATIONS



System Operations

<u>Weather Patterns</u>	Boston	Temperature: Above Normal (5.2°F) Max: 82°F, Min: 31°F Precipitation: 3.36" – Below Normal Normal: 3.66"	Hartford	Temperature: Above Normal (6.0°F) Max: 84°F, Min: 27°F Precipitation: 2.30" - Below Normal Normal: 3.51"
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<u>Peak Load:</u>	15,785 MW	November 26, 2024	18:00 (ending)
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Emergency Procedure Events (OP-4, M/LCC 2, Minimum Generation Emergency)

Procedure	Declared	Cancelled	Note
None			



System Operations

NPCC Simultaneous Activation of Reserve Events

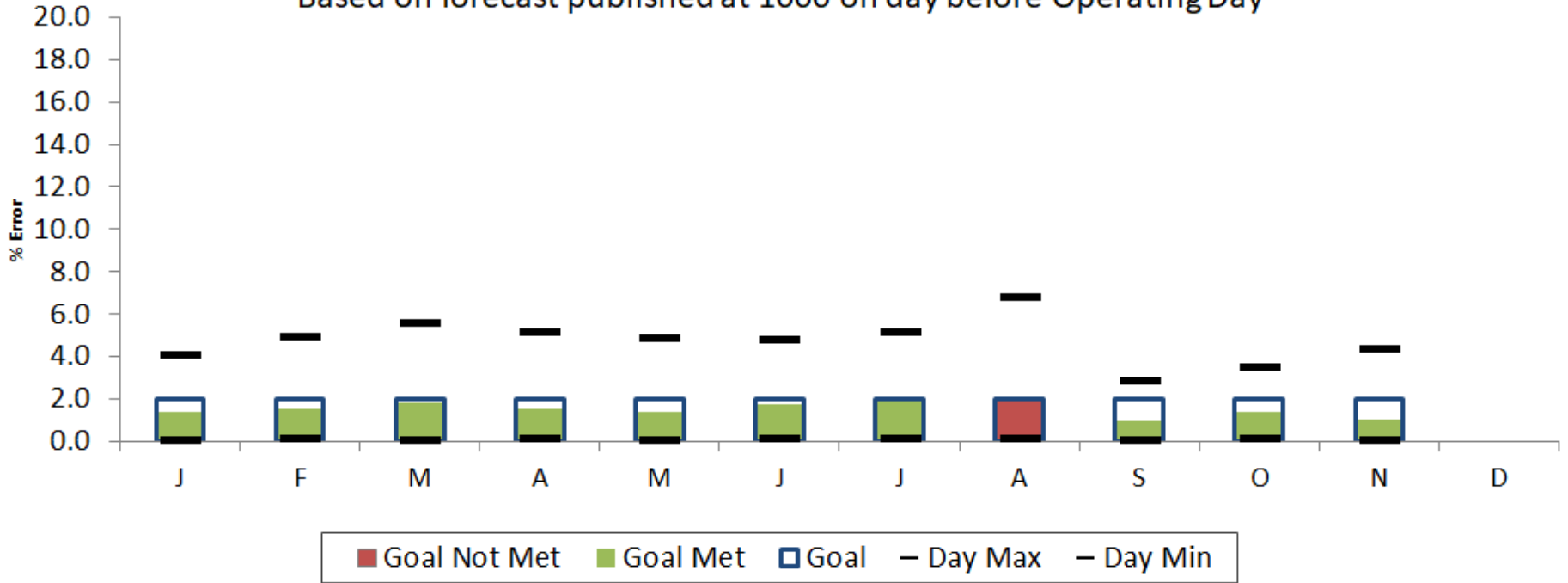
Date	Area	MW Lost
11/13/2024	NYISO	570
11/19/2024	ISONE	1250
11/22/2024	IESO	875



2024 System Operations - Load Forecast Accuracy cont.

Dashboard Indicator 

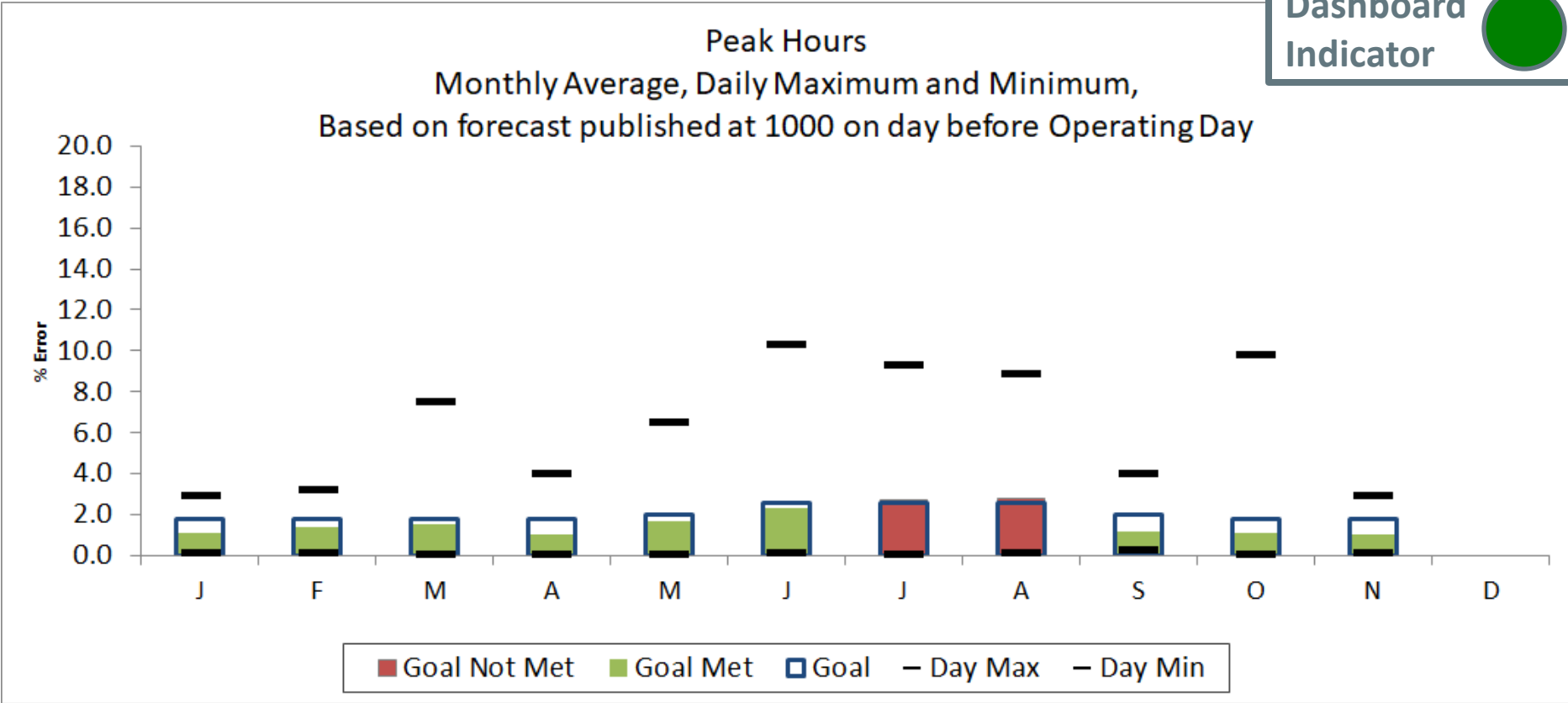
Daily Energy
 Monthly Average, Daily Maximum and Minimum,
 Based on forecast published at 1000 on day before Operating Day



Month	J	F	M	A	M	J	J	A	S	O	N	D	
Day Max	4.02	4.89	5.56	5.09	4.84	4.73	5.13	6.75	2.82	3.46	4.32		6.75
Day Min	0.00	0.12	0.02	0.09	0.07	0.11	0.10	0.12	0.03	0.08	0.02		0.00
MAPE	1.38	1.54	1.82	1.52	1.40	1.79	1.94	2.06	0.94	1.37	1.08		1.53
Goal	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00		

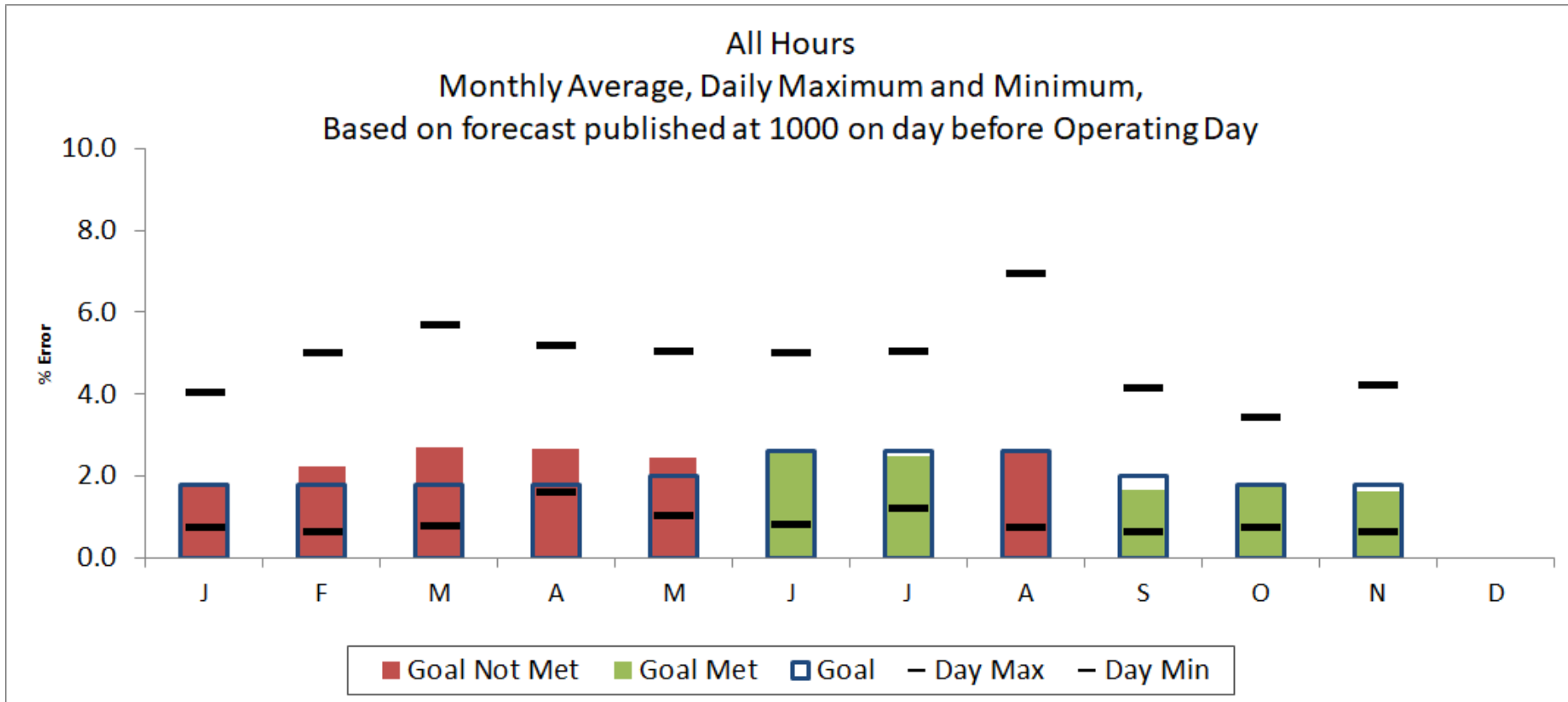
2024 System Operations - Load Forecast Accuracy cont.

Dashboard Indicator 



Month	J	F	M	A	M	J	J	A	S	O	N	D	
Day Max	2.90	3.17	7.45	3.99	6.46	10.30	9.30	8.86	3.96	9.78	2.91		10.30
Day Min	0.08	0.10	0.02	0.03	0.01	0.14	0.00	0.08	0.28	0.01	0.11		0.00
MAPE	1.10	1.39	1.54	1.02	1.66	2.32	2.70	2.76	1.16	1.08	1.02		1.62
Goal	1.80	1.80	1.80	1.80	2.00	2.60	2.60	2.60	2.00	1.80	1.80		

2024 System Operations - Load Forecast Accuracy

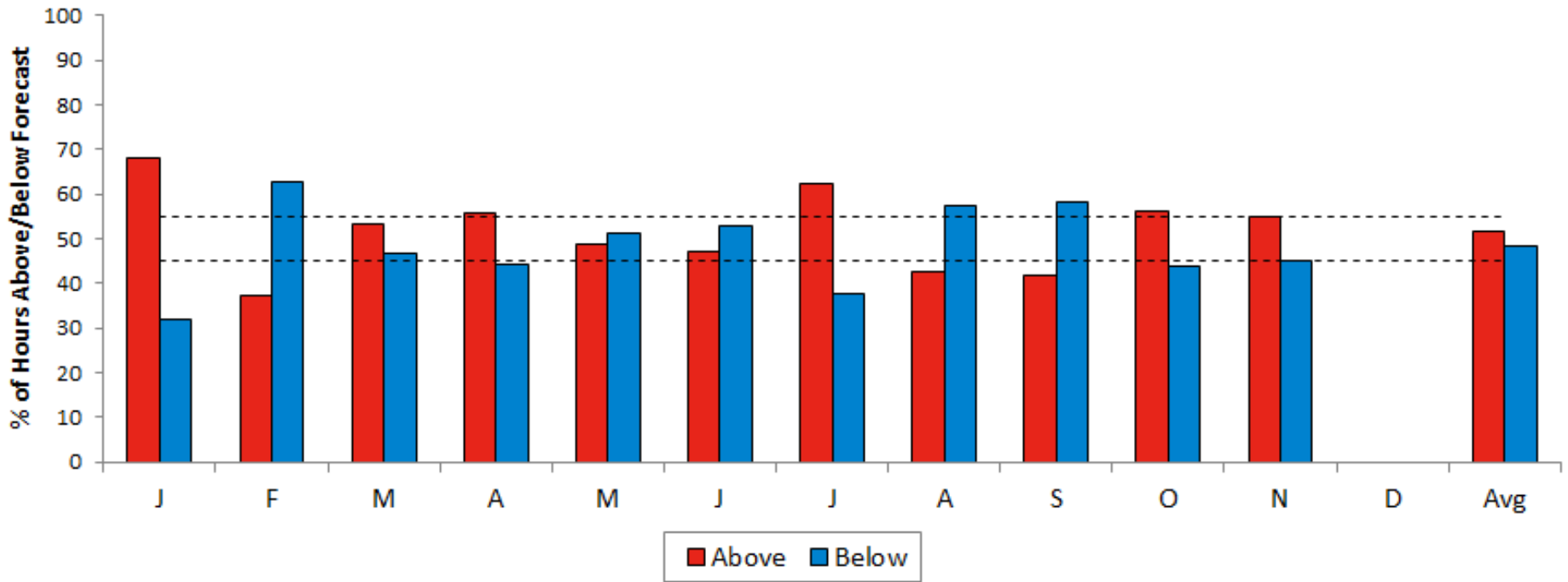


Month	J	F	M	A	M	J	J	A	S	O	N	D	
Day Max	4.03	5.00	5.67	5.18	5.04	4.99	5.02	6.94	4.15	3.41	4.20		6.94
Day Min	0.73	0.64	0.76	1.59	1.00	0.81	1.20	0.74	0.62	0.73	0.62		0.62
MAPE	1.83	2.24	2.72	2.66	2.46	2.57	2.49	2.68	1.65	1.74	1.63		2.24
Goal	1.80	1.80	1.80	1.80	2.00	2.60	2.60	2.60	2.00	1.80	1.80		

2024 System Operations - Load Forecast Accuracy cont.

Percent of Hours Actual Load
 Above vs. Below Forecast
 Based on LF published by 1000, day before Operating Day

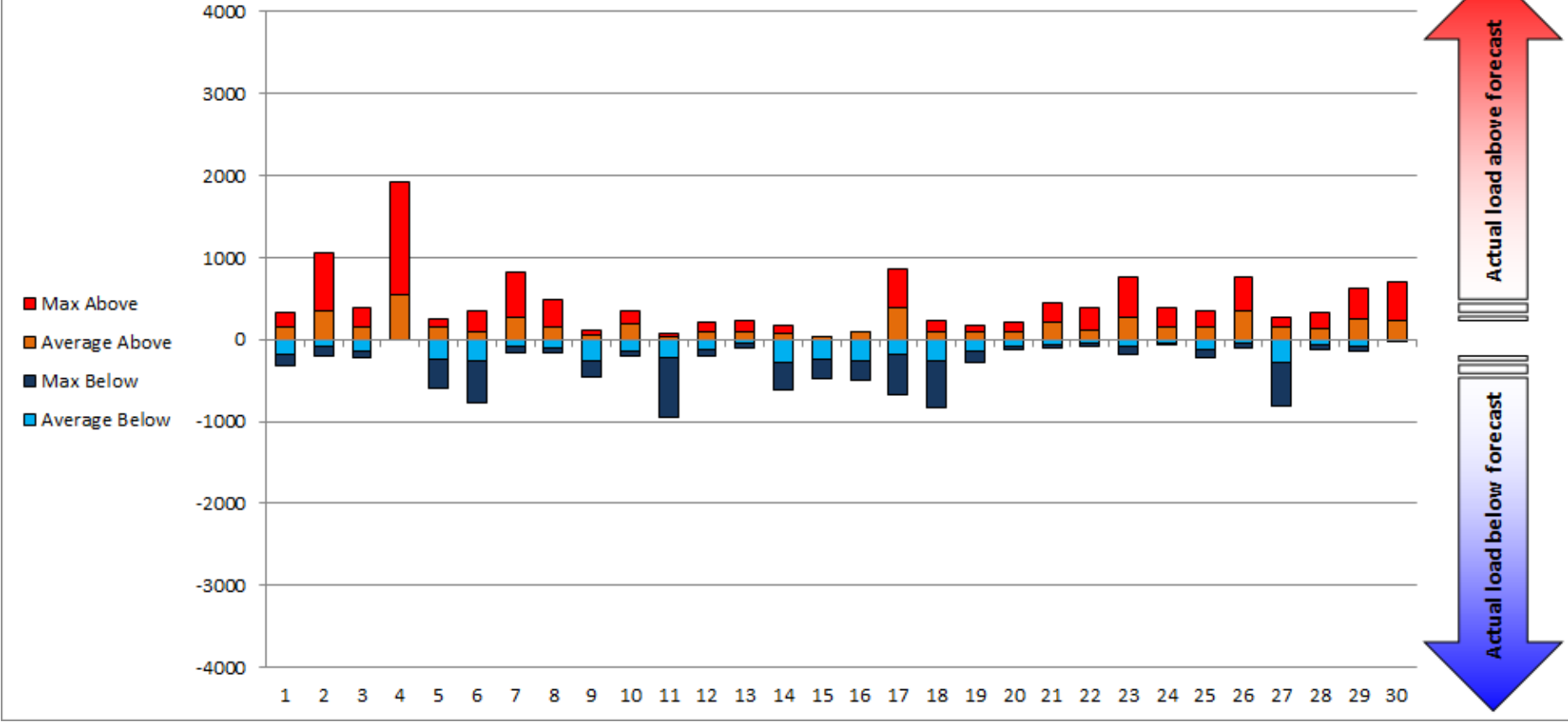
Target = 50%
 Plus/Minus = 5%



	J	F	M	A	M	J	J	A	S	O	N	D	Avg
Above %	67.9	37.4	53.3	55.8	48.7	47.2	62.4	42.5	41.9	56.2	55.1		52
Below %	32.1	62.6	46.7	44.2	51.3	52.8	37.6	57.5	58.1	43.8	44.9		48
Avg Above	260.5	155.2	254.6	254.9	245.5	267.4	320.4	267.8	150.6	196.7	174.9		320
Avg Below	-155.5	-292.3	-253.5	-239.2	-223.2	-265.6	-270.5	-298.2	-181.5	-97.0	-139.5		-298
Avg All	132	-130	39	38	11	-16	82	-58	-29	76	29		17

2024 System Operations - Load Forecast Accuracy cont.

Deviation of Actual Load from Forecasted Load November 2024



Note on Wind and Solar Forecast Error Statistics

- With the launch of solar do-not-exceed dispatch in December 2023, the ISO is now able to provide the same forecast error statistics for do-not-exceed dispatchable generator (DDG) solar resources as it does for DDG wind resources
- For stakeholders' information, from now on, these monthly updates will be posted on two new pages that have been created in ISO Express:
 - [ISO Express > Operations Reports > System > Wind Forecast MAE and Bias](#)
 - [ISO Express > Operations Reports > System > Solar Forecast MAE and Bias](#)
- The ISO also provides an **annual** analysis of forecasting error statistics to the [Emerging Technologies Working Group \(ETWG\)](#)

MARKET OPERATIONS

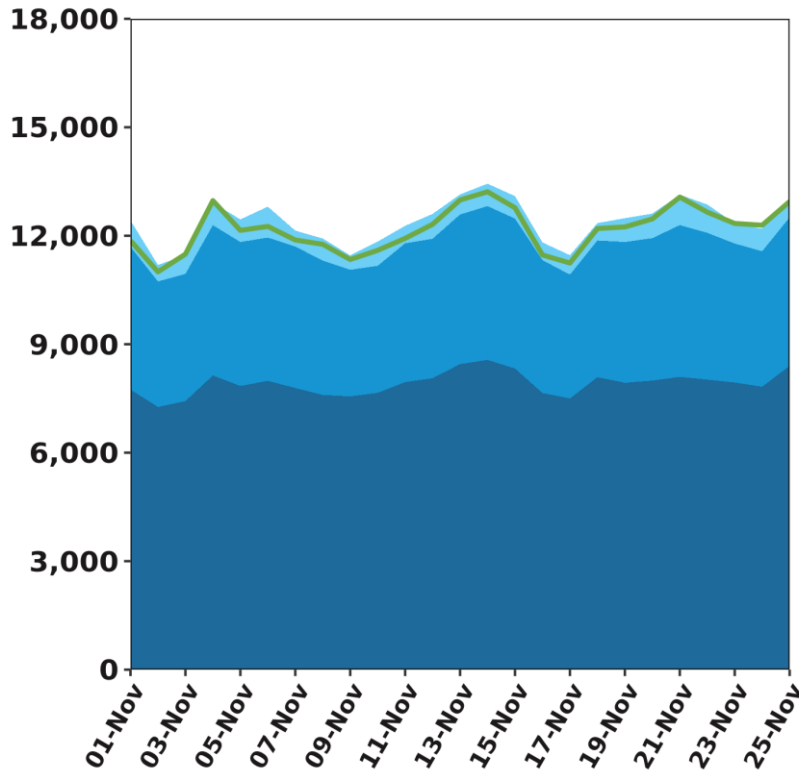


SUPPLY AND DEMAND VOLUMES



DA Cleared Native Load by Composition Compared to Native RT Load

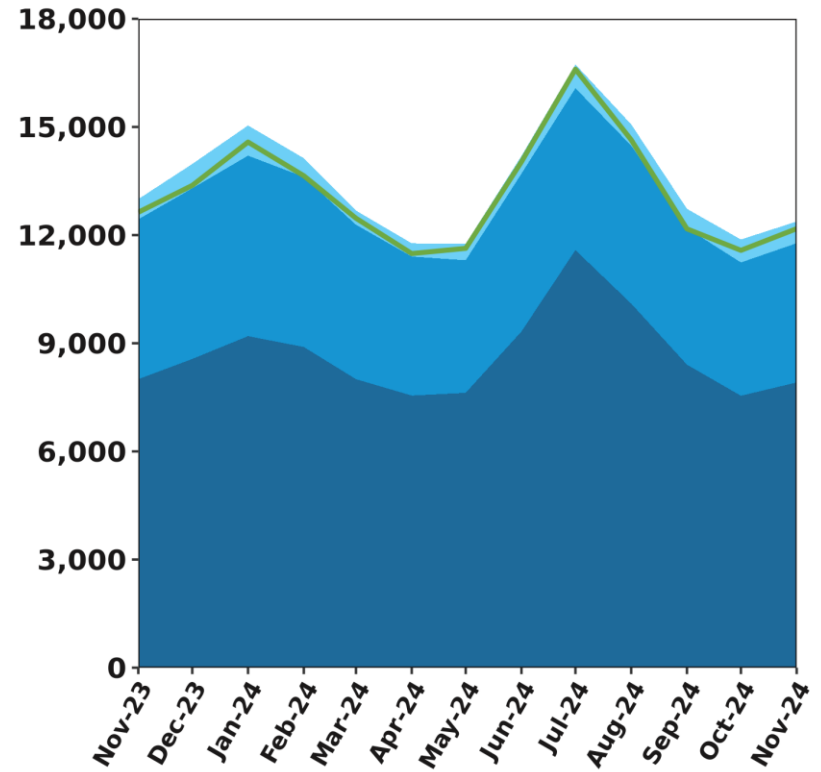
Daily Average MW



Day of Month

DA Fixed Price DA Price Sensitive Native DALO
 Native RTLO

Monthly Average MW



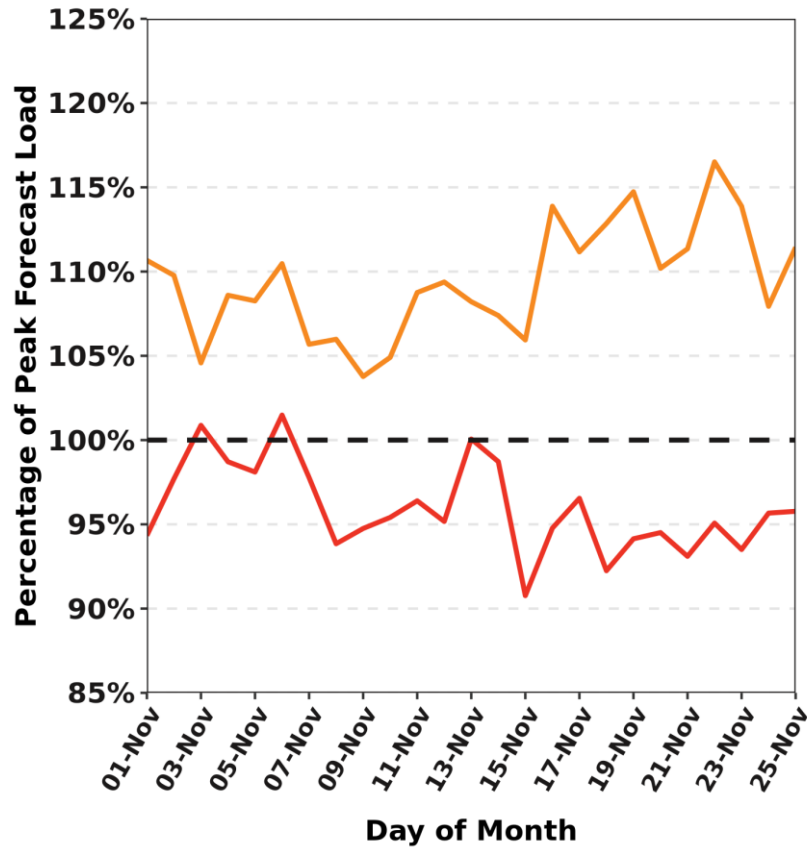
Month

DA Fixed Price DA Price Sensitive Native DALO
 Native RTLO

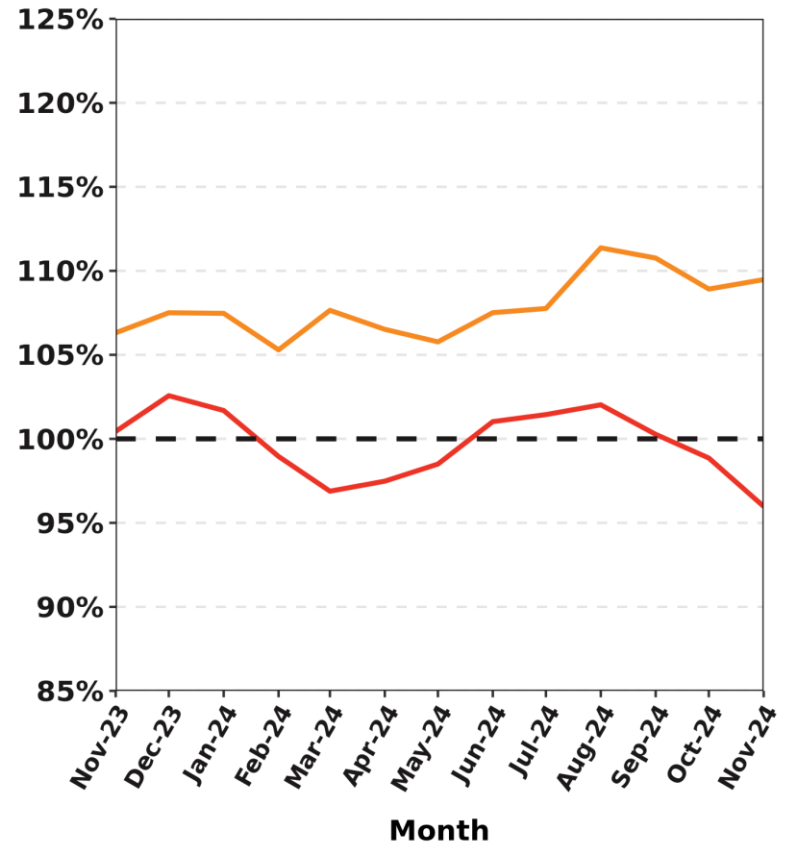
Native Day-Ahead Load Obligation (DALO) is the sum of all day-ahead cleared load, excluding modeled transmission losses and exports
 Native Real-Time Load Obligation (RTLO) is the sum of all real-time load, excluding exports

DA Volumes as % of Forecast in Peak Hour

Daily: This Month



Monthly, Last 13 Months



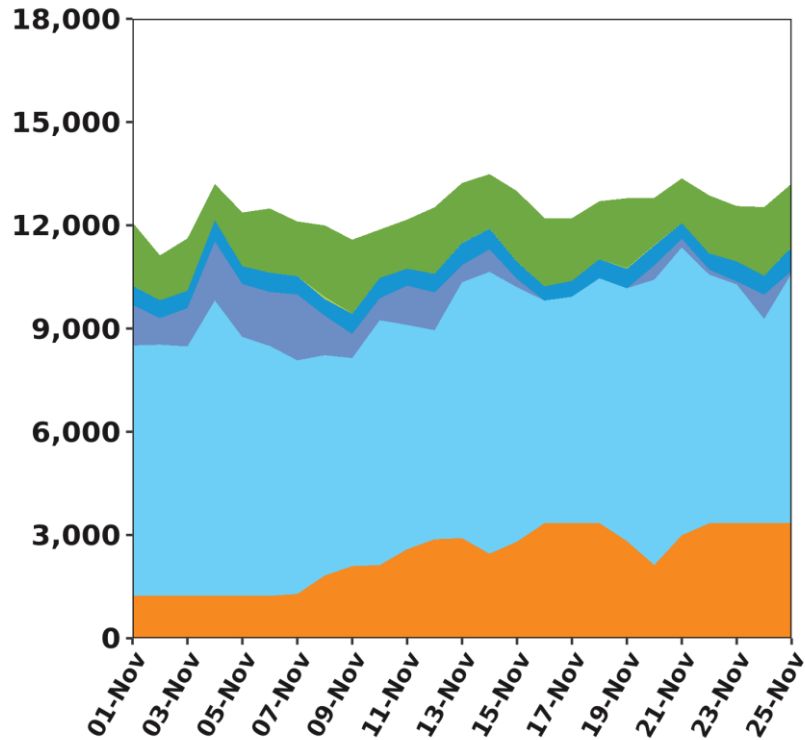
— DA Cleared Physical Energy — DALO — 100% Line

— DA Cleared Physical Energy — DALO — 100% Line

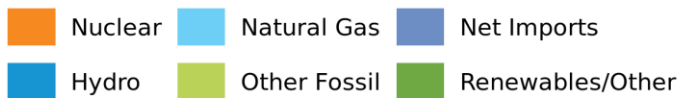
The number of system-level manual supplemental commitments for capacity required during the Reserve Adequacy Assessment (RAA) period during the month was: [none](#)

Resource Mix

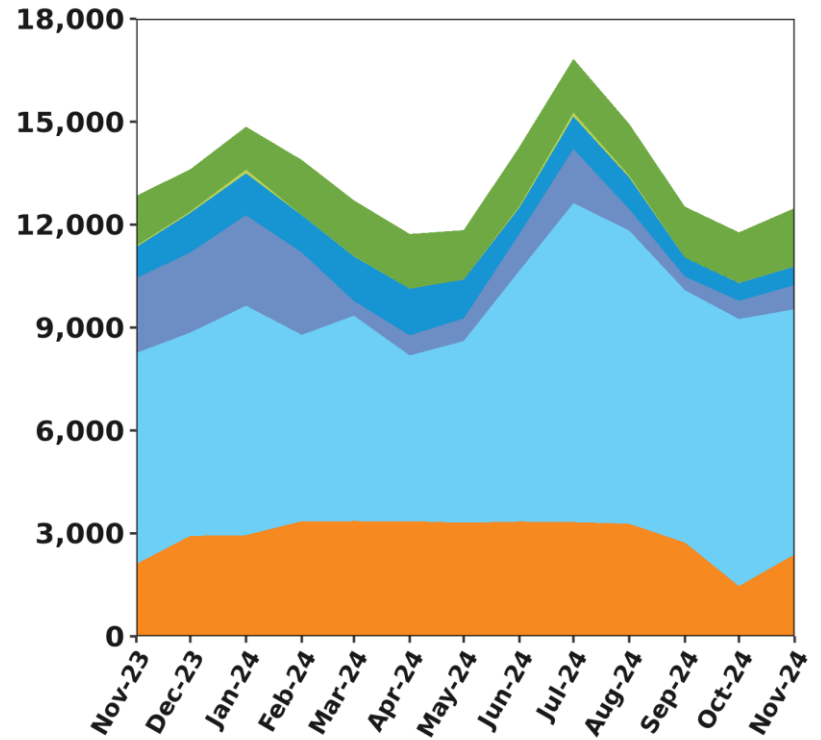
Daily Average MW



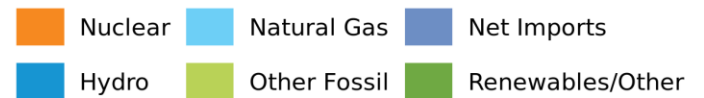
Day of Month



Monthly Average MW

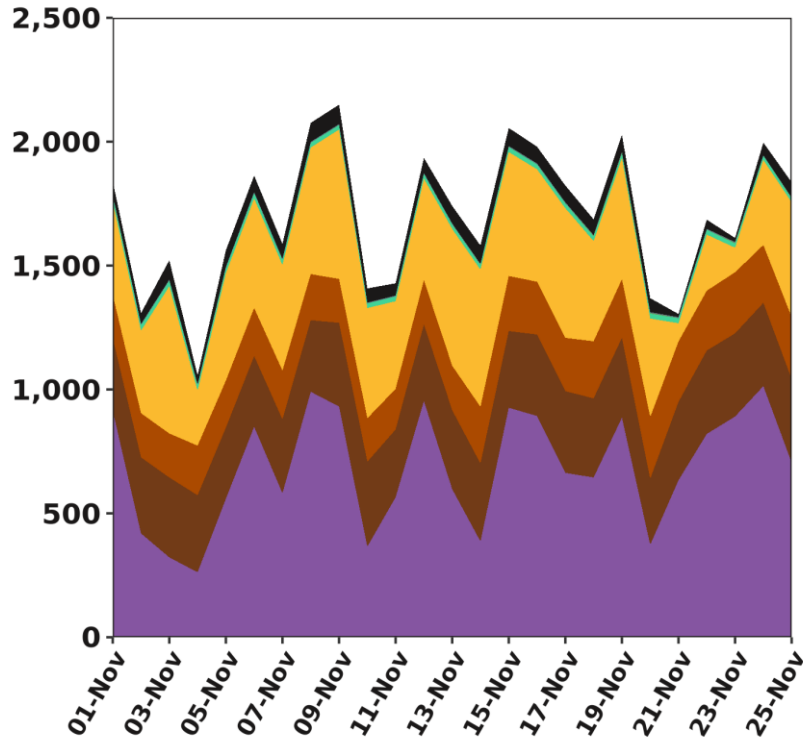


Month



Renewable Generation by Fuel Type

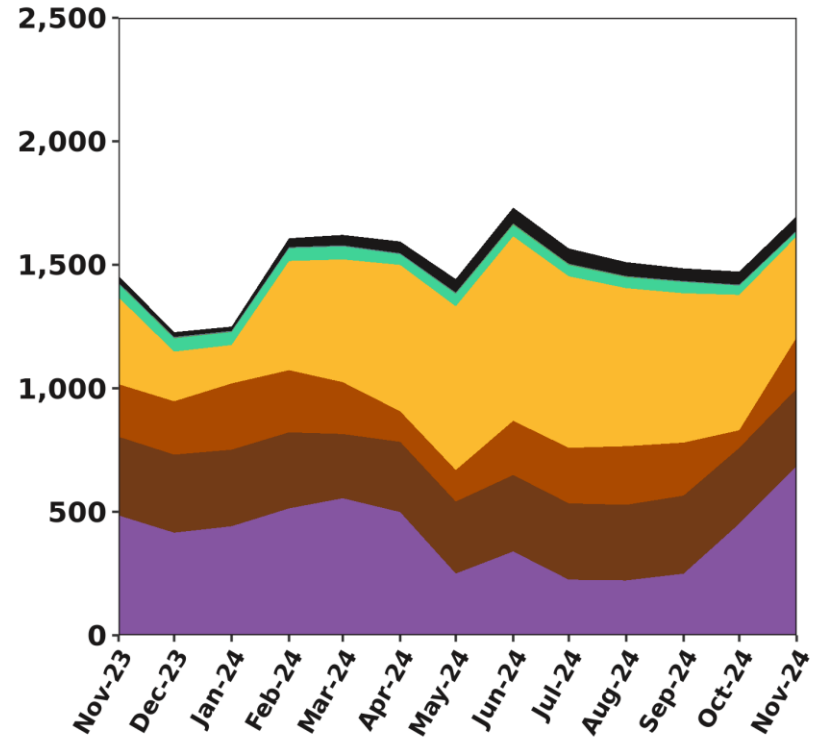
Daily Average MW



Day of Month



Monthly Average MW



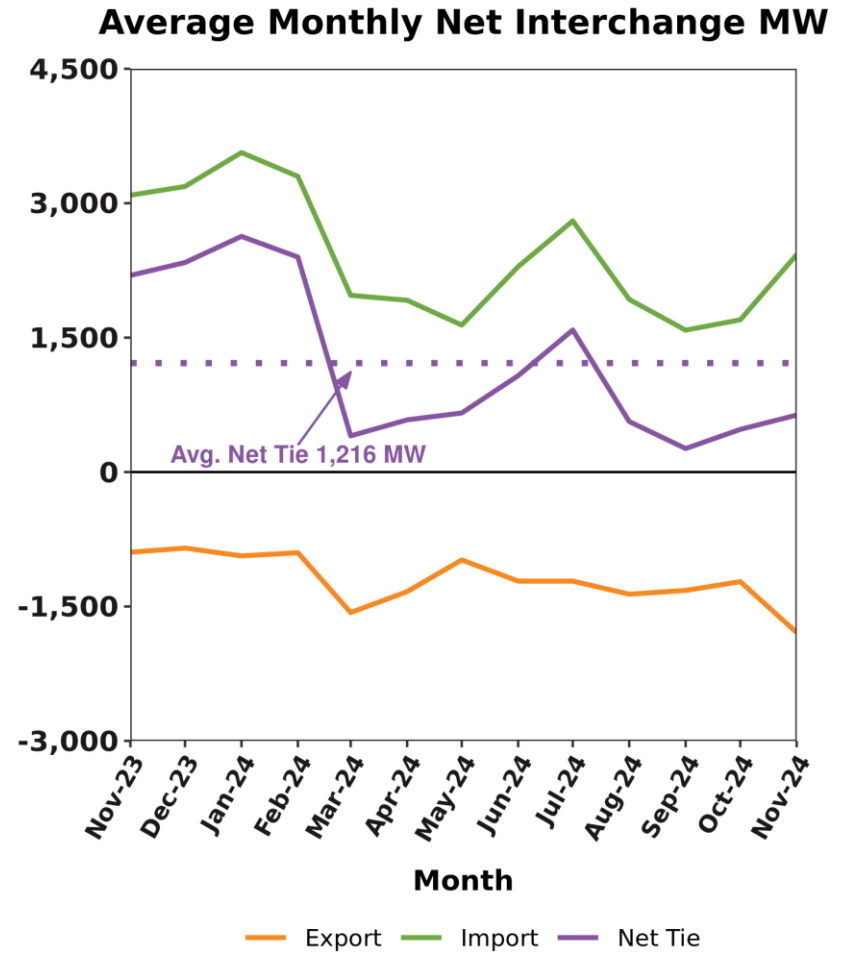
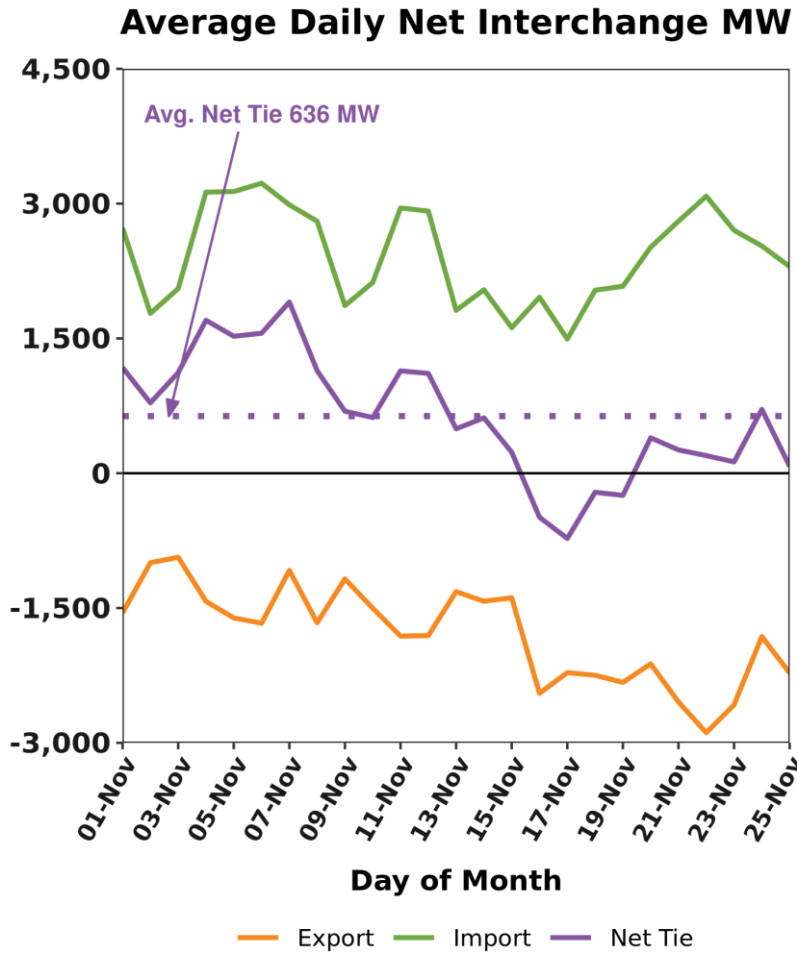
Month



CSF = Continuous Storage Facilities (a.k.a. Batteries)

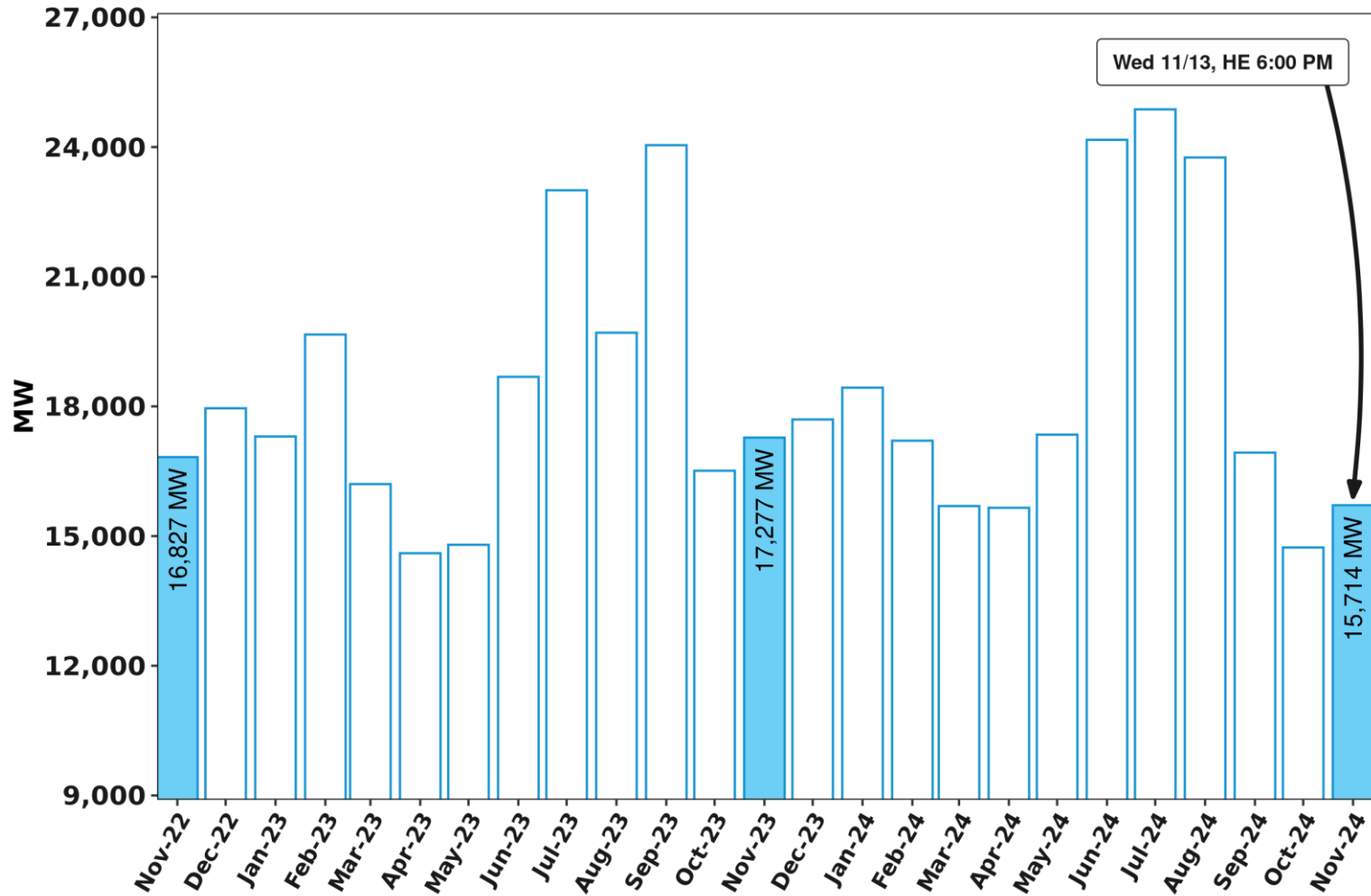


RT Net Interchange



Net Interchange is the participant sum of daily imports minus the sum of daily exports; positive values are net imports

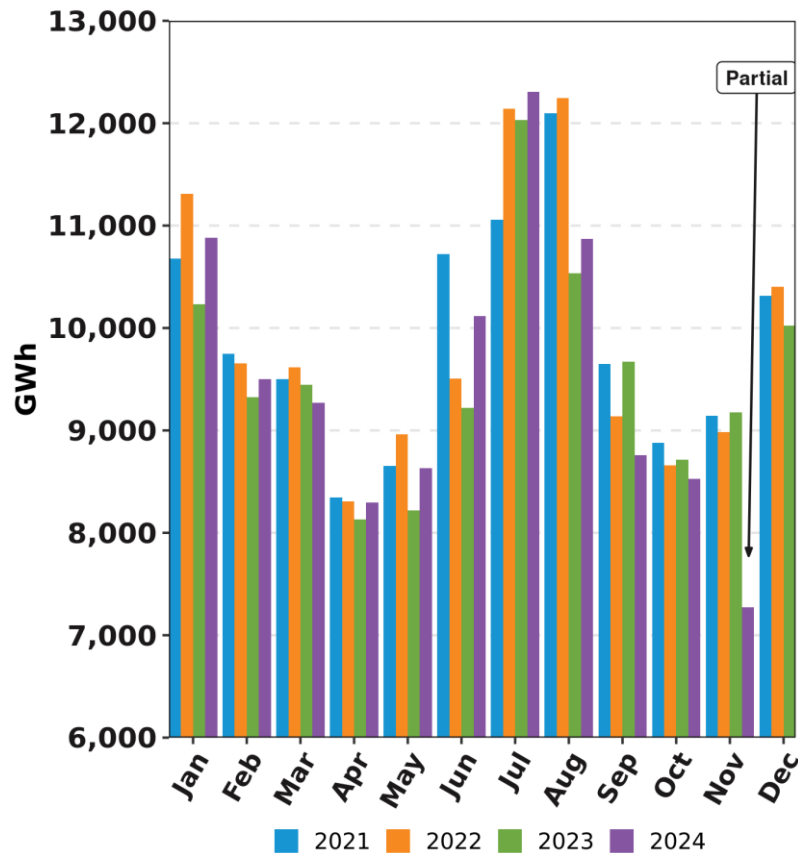
RQM System Peak Load MW by Month



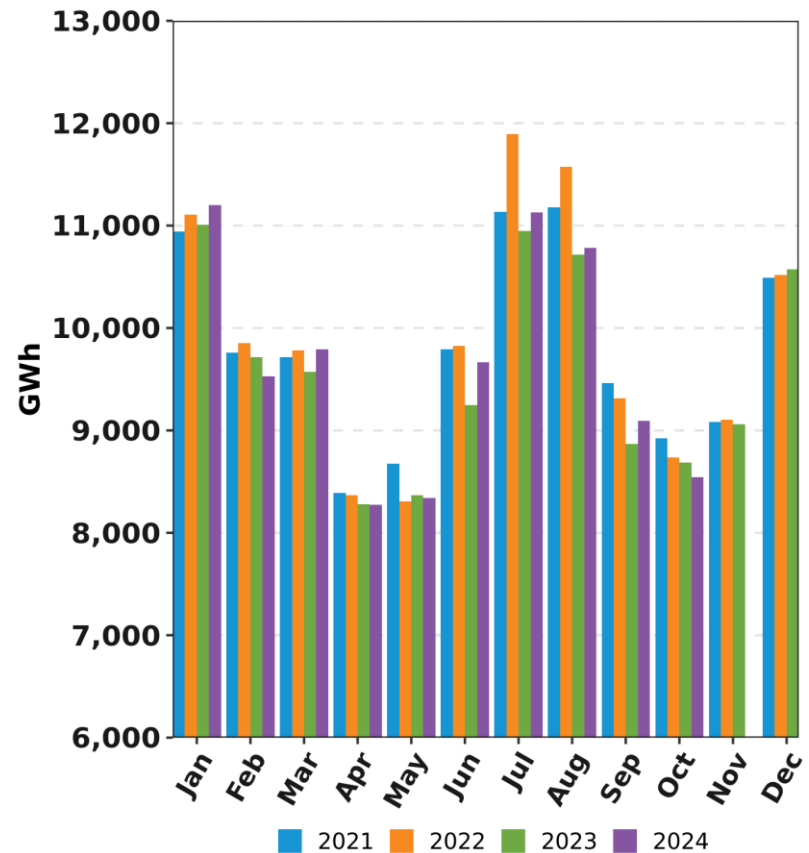
Shaded columns reflect current month and the same month the last 2 years

Monthly Recorded Net Energy for Load (NEL) and Weather Normalized NEL

Net Energy for Load (NEL)



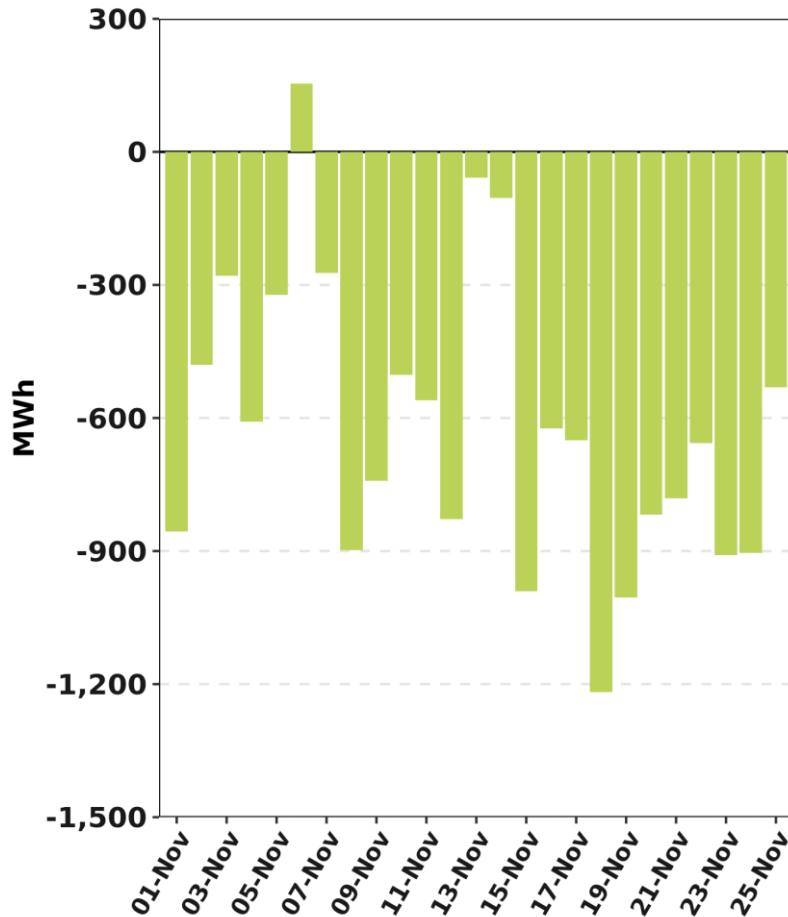
Weather Normalized NEL



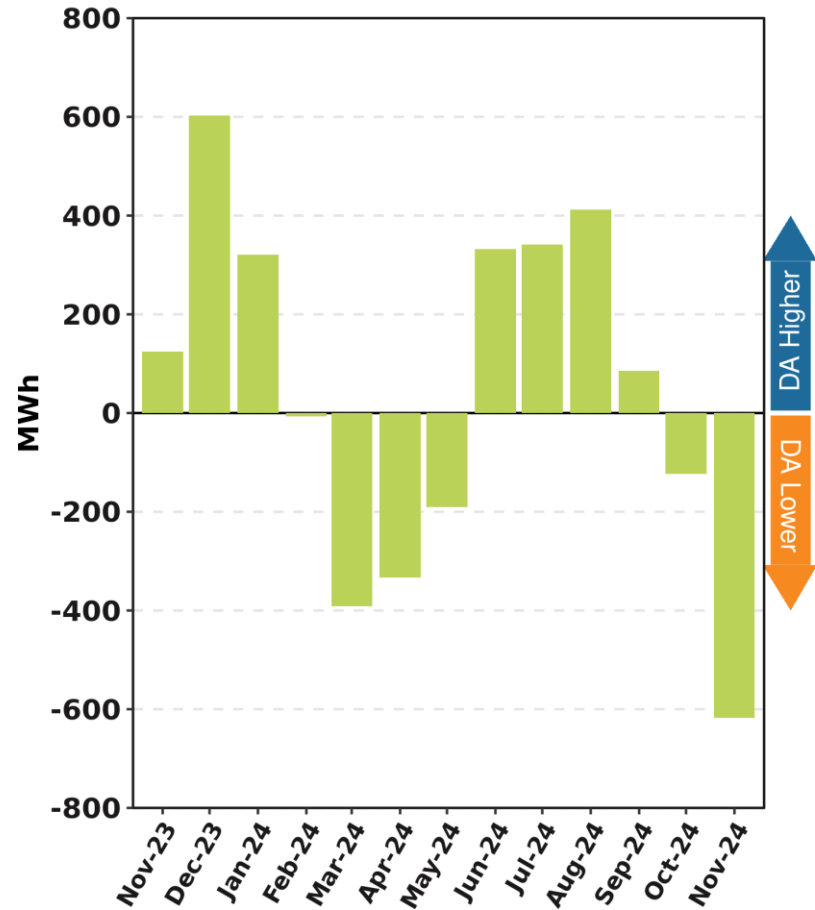
NEPOOL NEL is the total net revenue quality metered energy required to serve load and is analogous to 'RT system load.' NEL is calculated as: Generation + Demand Response Resource output - pumping load + net interchange where imports are positively signed. Current month's data may be preliminary. Weather normalized NEL is typically reported on a one-month lag.

DA Cleared Physical Energy Difference from RT System Load at Forecasted Peak Hour

Daily: This Month



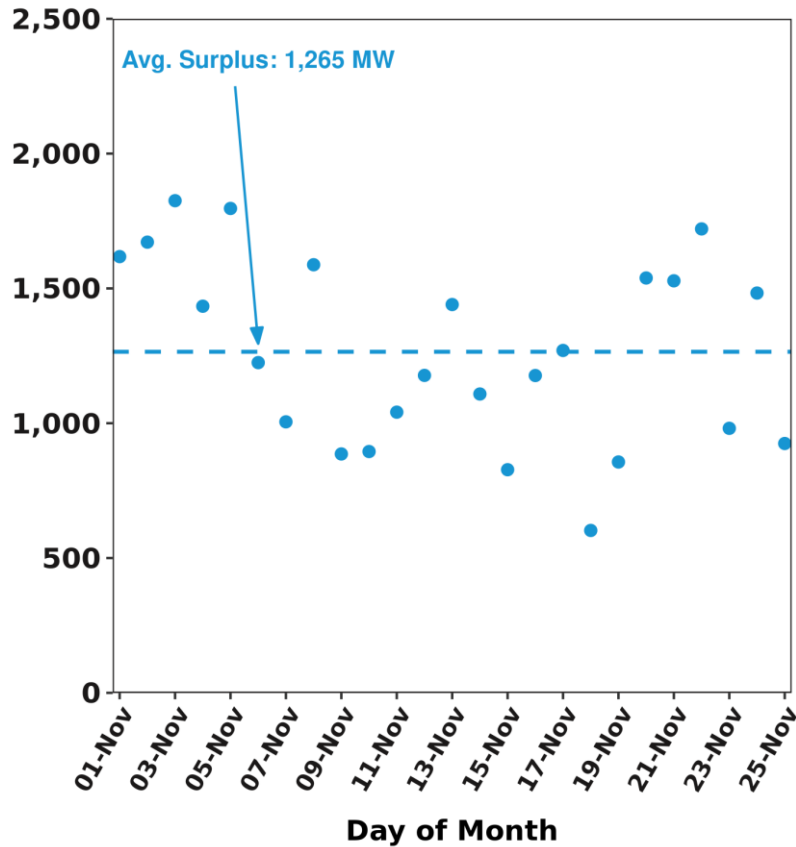
Monthly, Last 13 Months



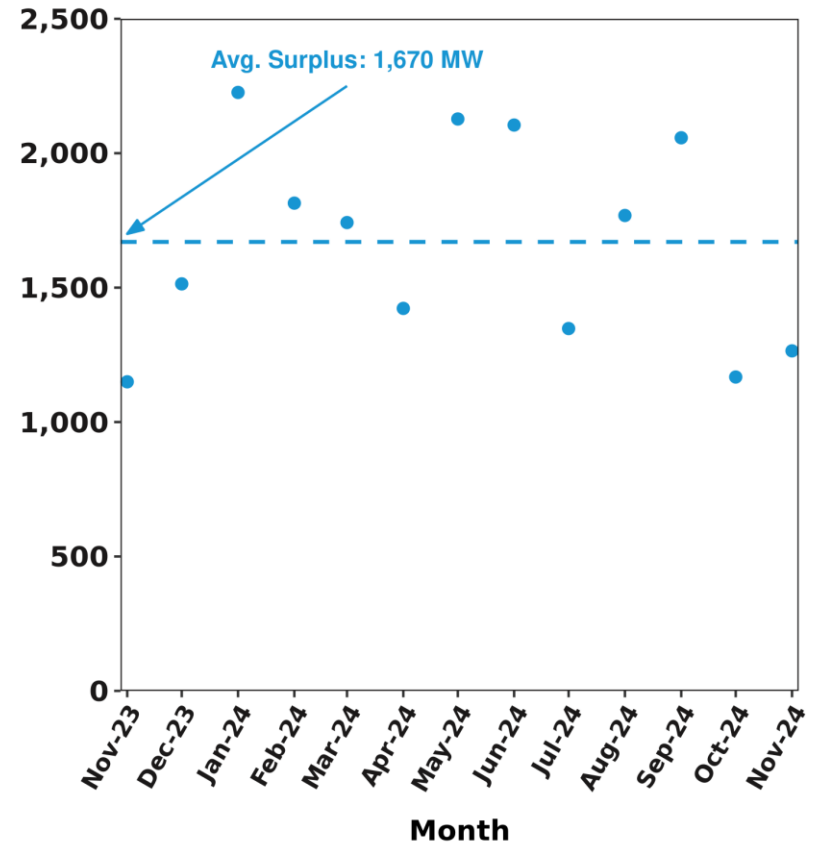
Negative values indicate DA Cleared Physical Energy value below its RT counterpart.

Capacity Surplus* Cleared in the DA Market Relative to Forecasted Peak-Hour Requirements

Daily MW Surplus at Peak



Monthly Avg. MW Surplus at Peak



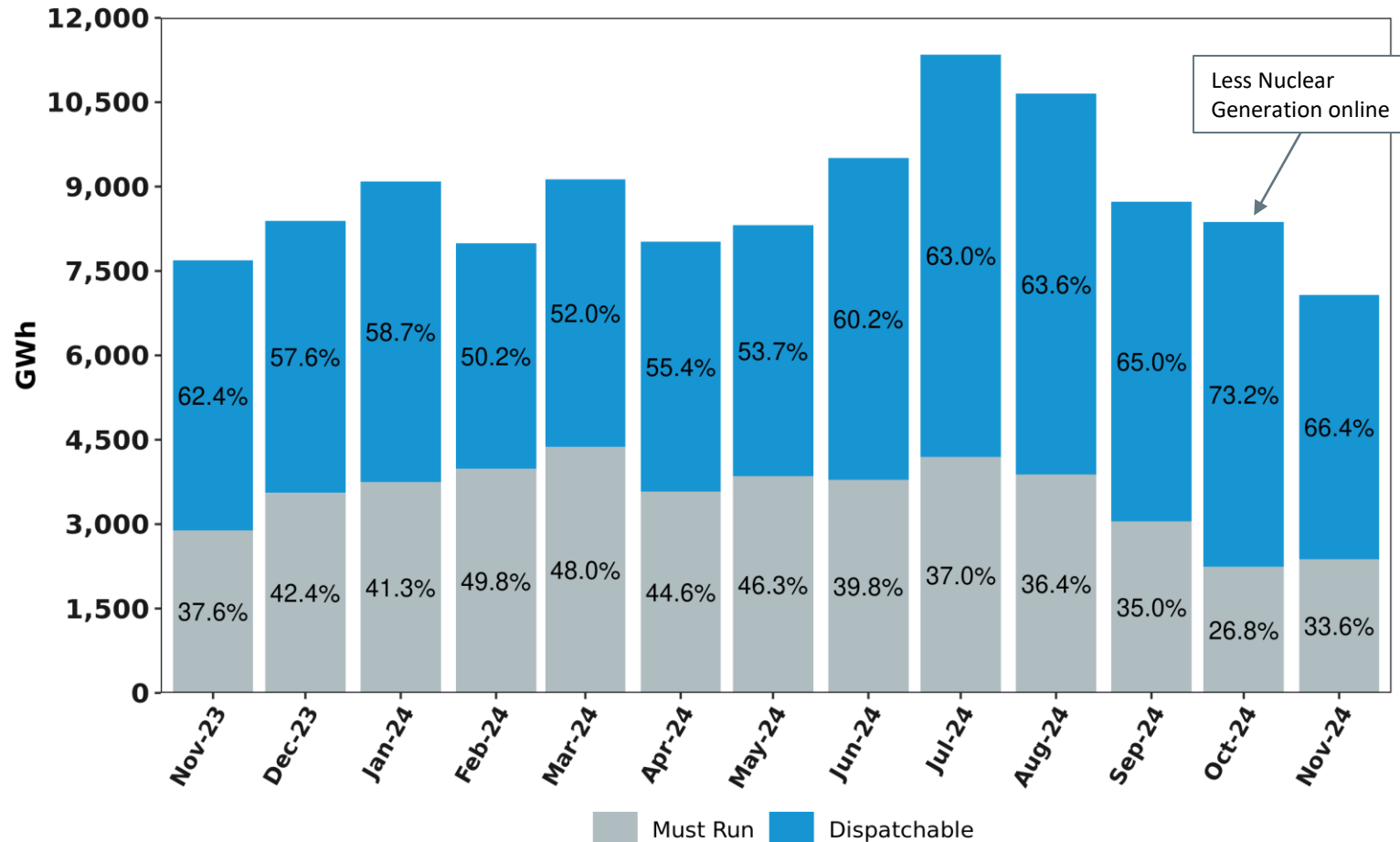
● Surplus at Fcst Peak — Average

● Surplus at Fcst Peak — Average

*DA capacity surplus includes DA offered ECO max above cleared amounts for cleared resources + offered reserves from available non-cleared resources + DA scheduled net interchange, reflected for the peak hour

RT Generation Output Offered as Must Run vs Dispatchable

Participant Must Run Supply as % of Total Generation



Includes generation and DRR. Must Run (non-dispatchable) category reflects full output of settlement-only generation (SOG) as well as must run offers from modeled units

MARKET PRICING



DA vs. RT LMPs (\$/MWh)

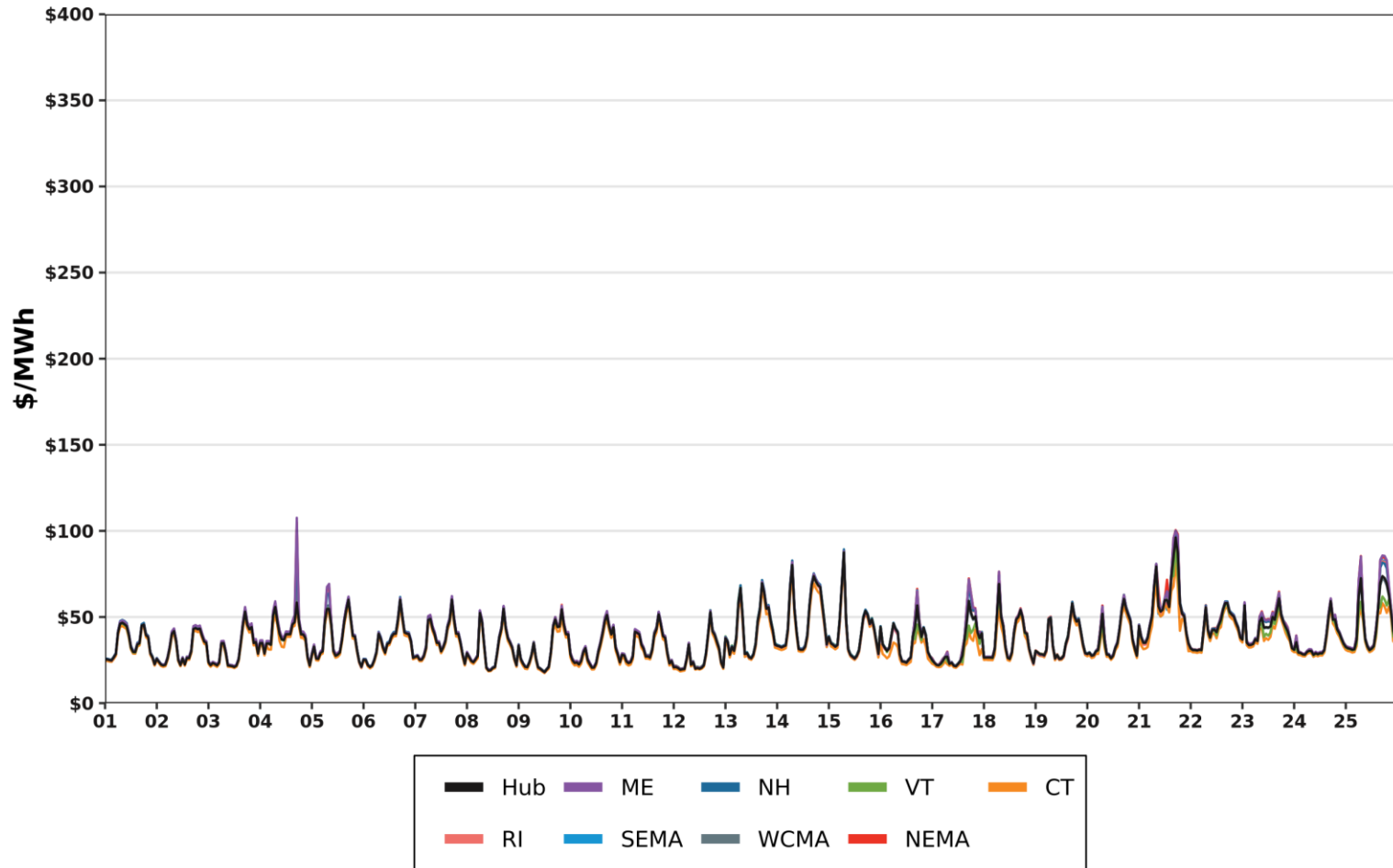
Arithmetic Average

Year 2023	Hub	ME	NH	VT	CT	RI	SEMA	WCMA	NEMA
Day-Ahead	\$85.59	\$84.20	\$85.77	\$84.48	\$84.07	\$85.39	\$86.05	\$85.69	\$86.12
Real-Time	\$84.89	\$83.06	\$85.05	\$83.64	\$83.80	\$84.69	\$85.35	\$84.97	\$85.40
RT Delta %	-0.82%	-1.35%	-0.84%	-0.99%	-0.32%	-0.82%	-0.81%	-0.84%	-0.84%
Year 2022	Hub	ME	NH	VT	CT	RI	SEMA	WCMA	NEMA
Day-Ahead	\$37.04	\$36.59	\$37.22	\$36.78	\$36.25	\$36.89	\$37.34	\$37.07	\$37.35
Real-Time	\$35.91	\$35.36	\$36.05	\$35.55	\$35.26	\$35.71	\$36.17	\$35.92	\$36.21
RT Delta %	-0.82%	-1.35%	-0.84%	-0.99%	-0.32%	-0.82%	-0.81%	-0.84%	-0.84%

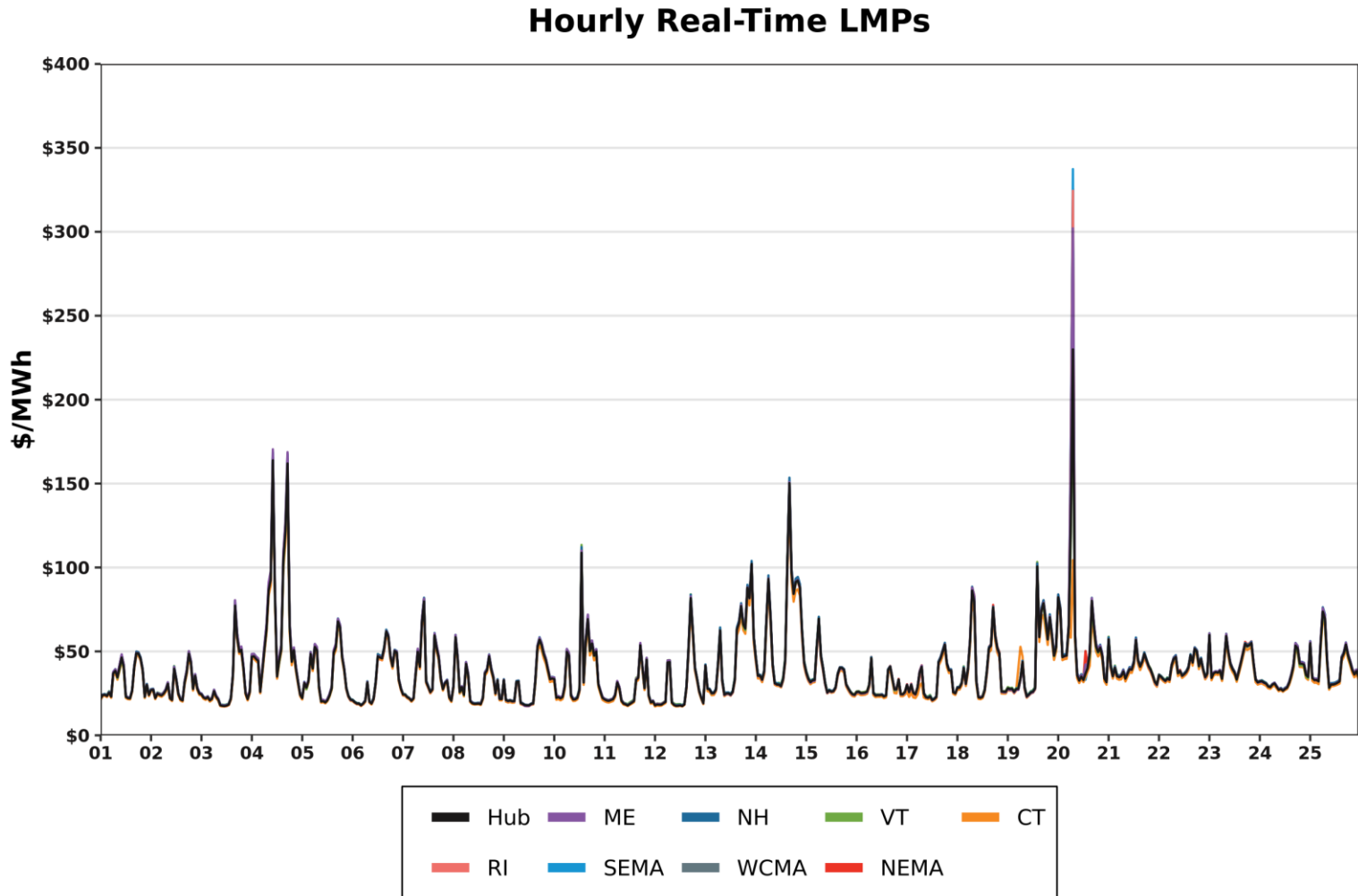
November-23	Hub	ME	NH	VT	CT	RI	SEMA	WCMA	NEMA
Day-Ahead	\$39.64	\$39.01	\$39.78	\$39.31	\$38.72	\$39.71	\$40.05	\$39.69	\$39.98
Real-Time	\$37.01	\$36.41	\$37.14	\$36.64	\$36.25	\$36.77	\$37.26	\$37.03	\$37.28
RT Delta %	-6.63%	-6.66%	-6.64%	-6.79%	-6.38%	-7.40%	-6.97%	-6.70%	-6.75%
November-24	Hub	ME	NH	VT	CT	RI	SEMA	WCMA	NEMA
Day-Ahead	\$37.28	\$38.38	\$38.42	\$37.14	\$34.83	\$37.03	\$37.44	\$37.26	\$38.40
Real-Time	\$38.48	\$39.10	\$39.49	\$38.76	\$36.58	\$38.14	\$38.49	\$38.46	\$39.35
RT Delta %	3.22%	1.88%	2.79%	4.36%	5.02%	3.00%	2.80%	3.22%	2.47%
Annual Diff.	Hub	ME	NH	VT	CT	RI	SEMA	WCMA	NEMA
Yr over Yr DA	-5.95%	-1.61%	-3.42%	-5.52%	-10.05%	-6.75%	-6.52%	-6.12%	-3.95%
Yr over Yr RT	3.97%	7.39%	6.33%	5.79%	0.91%	3.73%	3.30%	3.86%	5.55%

Hourly DA LMPs, November 1-25, 2024

Hourly Day-Ahead LMPs

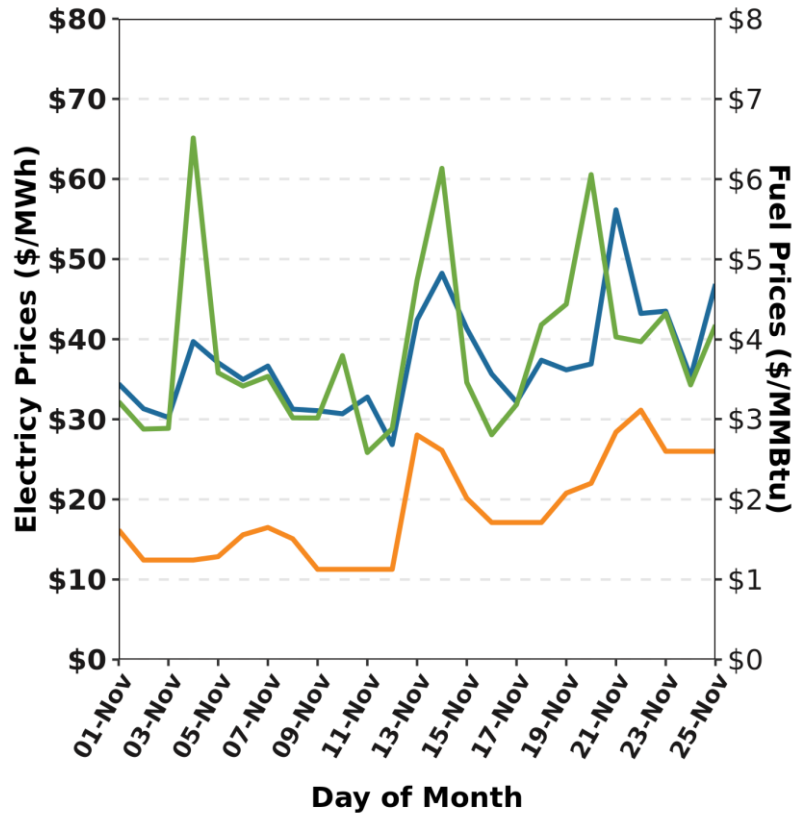


Hourly RT LMPs, November 1-25, 2024



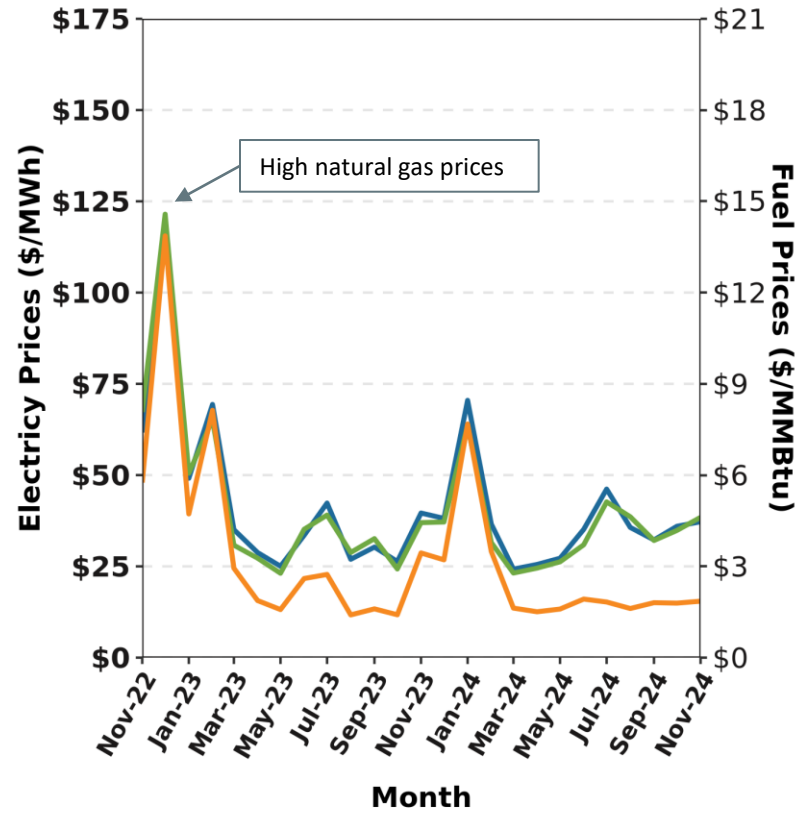
Wholesale Electricity vs Natural Gas Prices by Month

Daily Price



— DA LMP — RT LMP — Natural Gas

Monthly Average Price



— DA LMP — RT LMP — Natural Gas

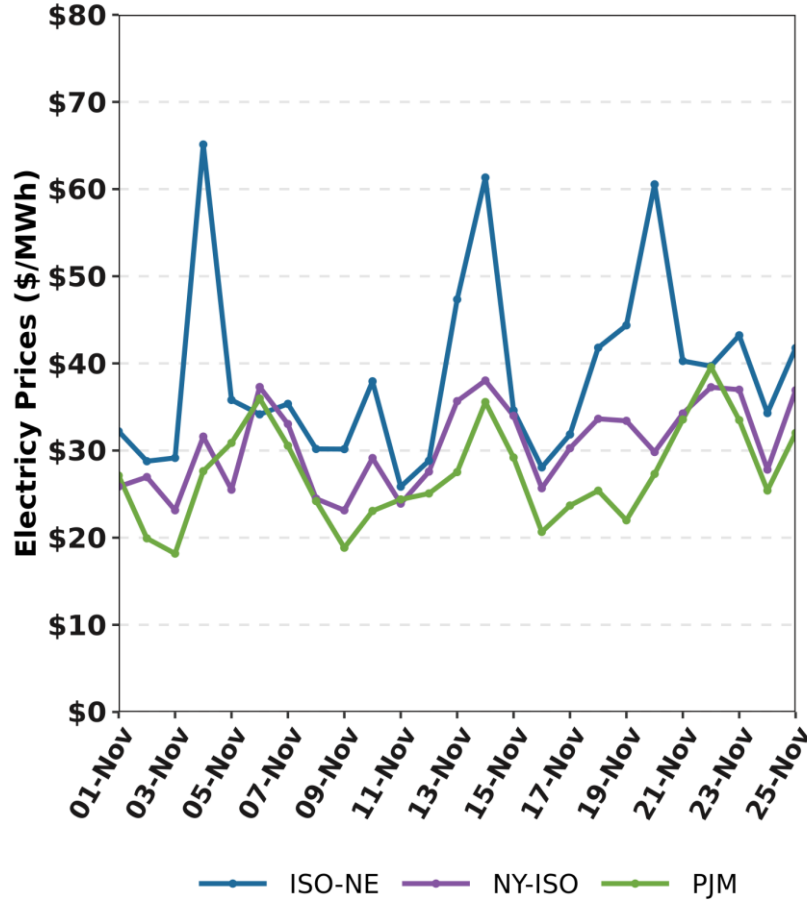
Underlying natural gas data furnished by:



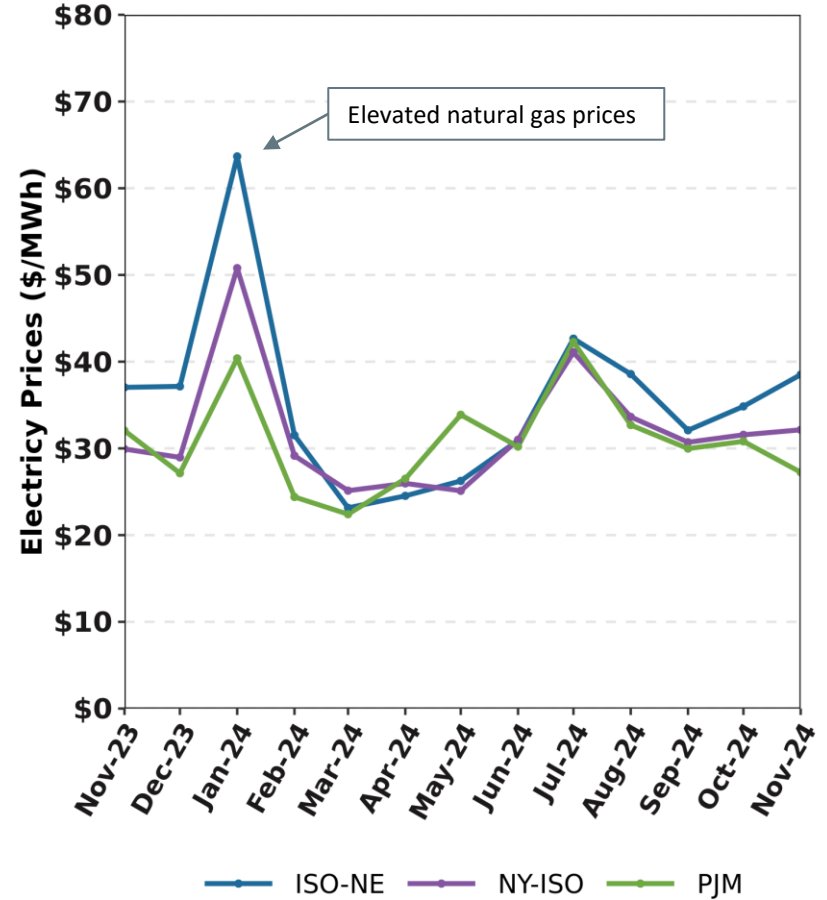
Gas price is average of Massachusetts delivery points

New England, NY, and PJM Hourly Average RT Prices by Month

Daily: This Month



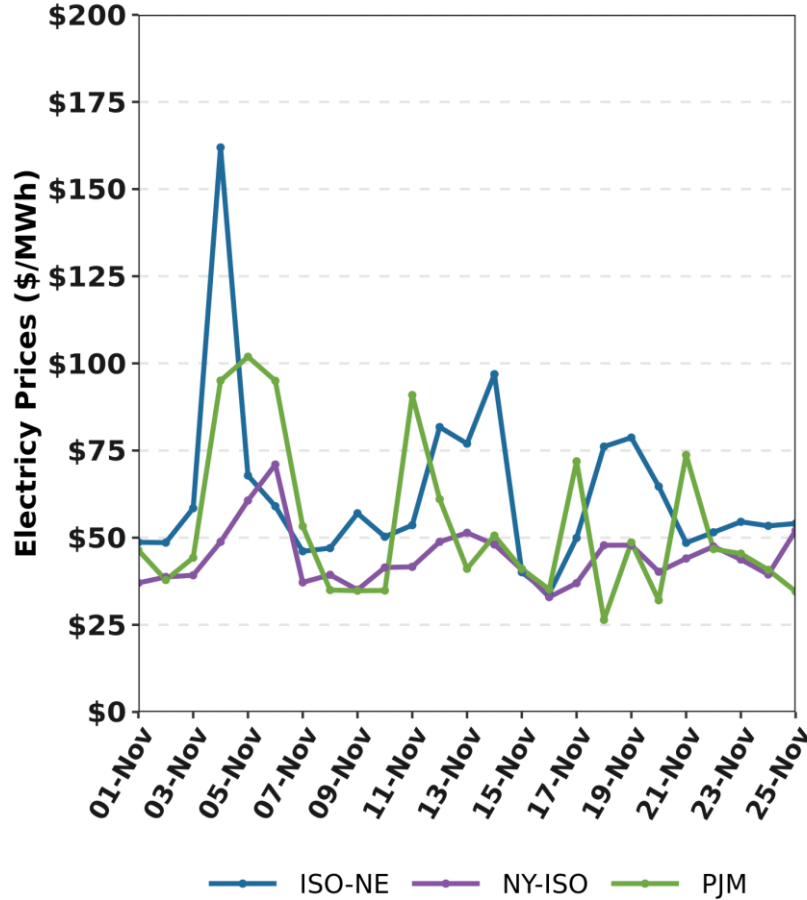
Monthly, Last 13 Months



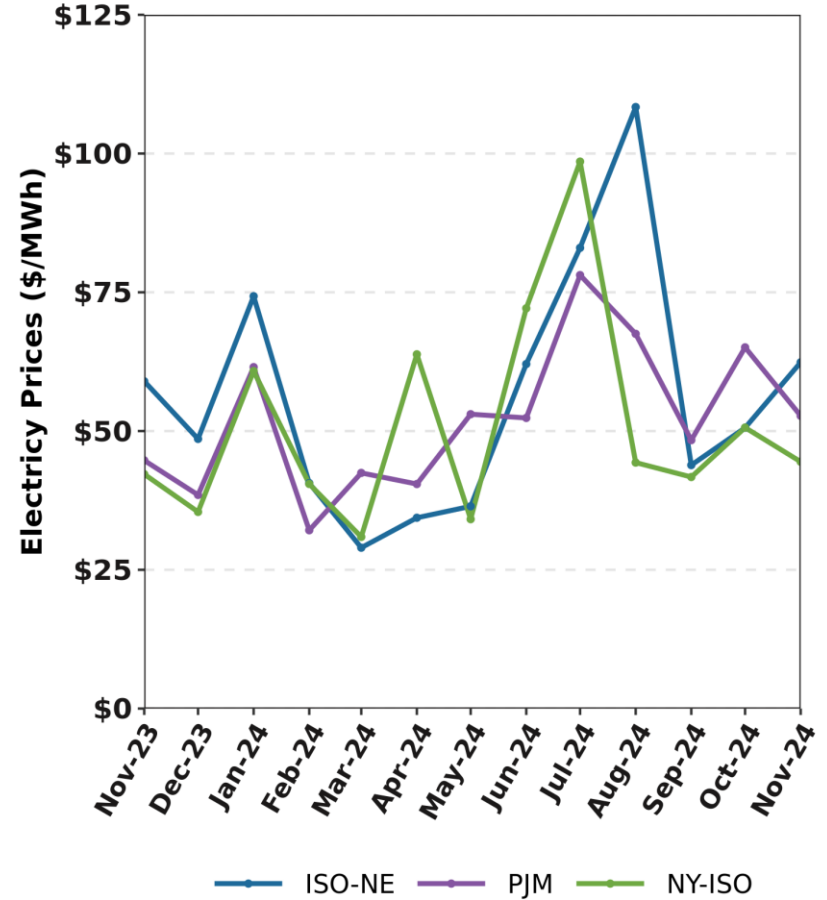
Hourly average prices are shown

New England, NY, and PJM RT Pricing during New England's Forecasted Daily Peak Hours

Daily: This Month



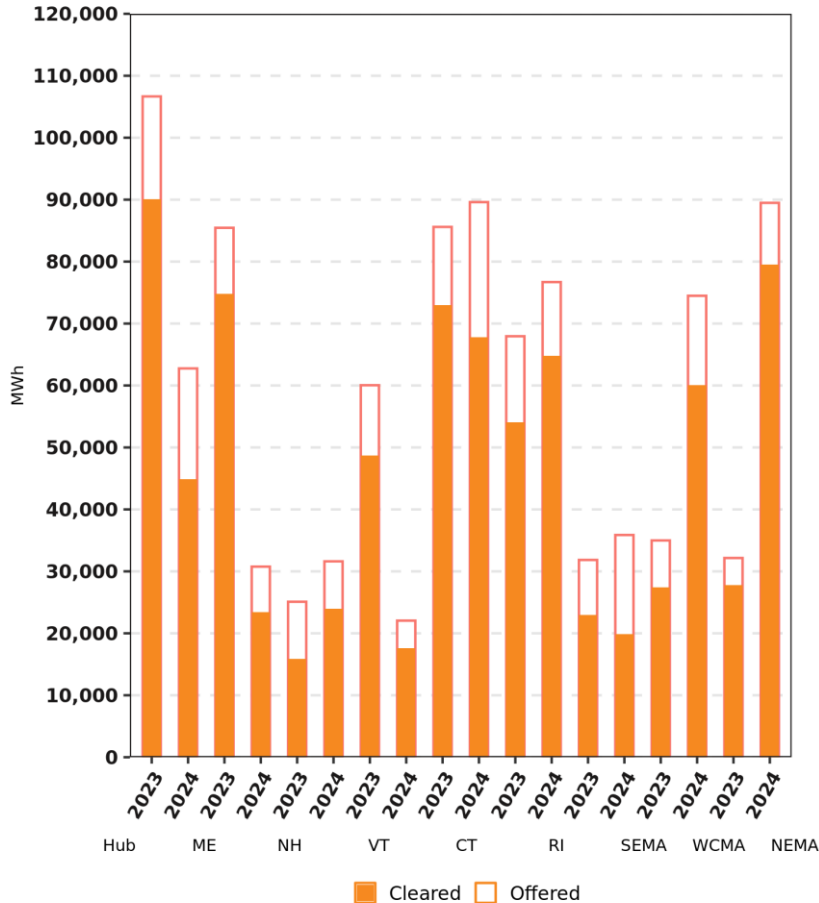
Monthly, Last 13 Months



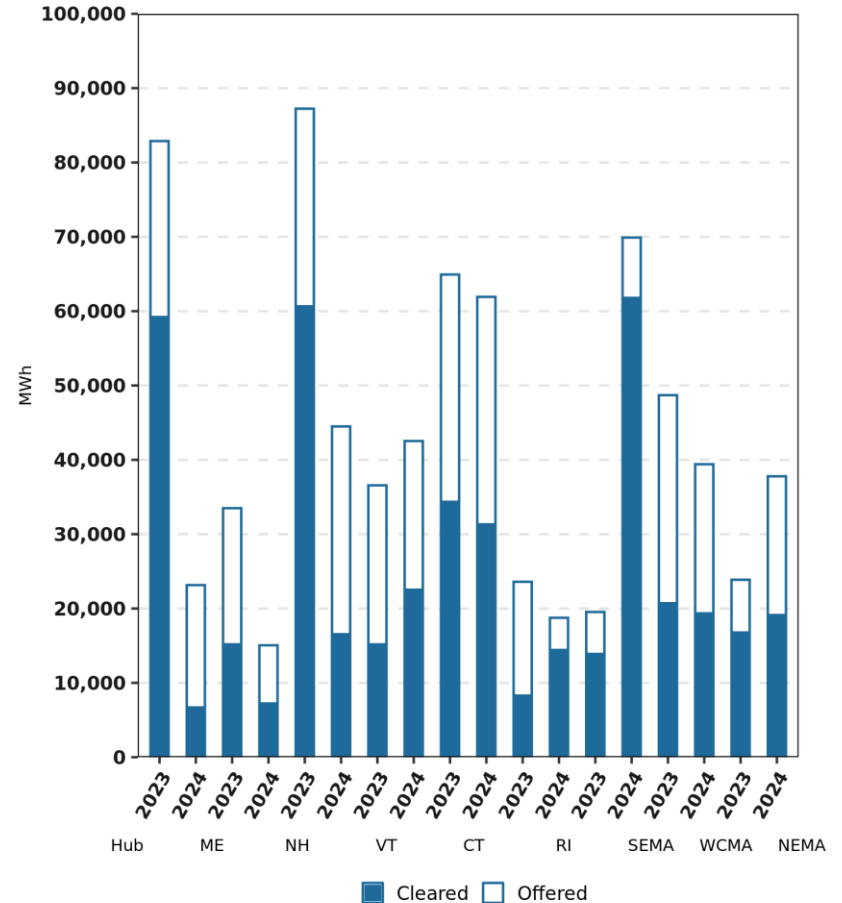
Monthly chart reflects the average of daily values

Zonal Increment Offers and Decrement Bid Amounts

November Inc Monthly Totals By Zone



November Dec Monthly Totals By Zone

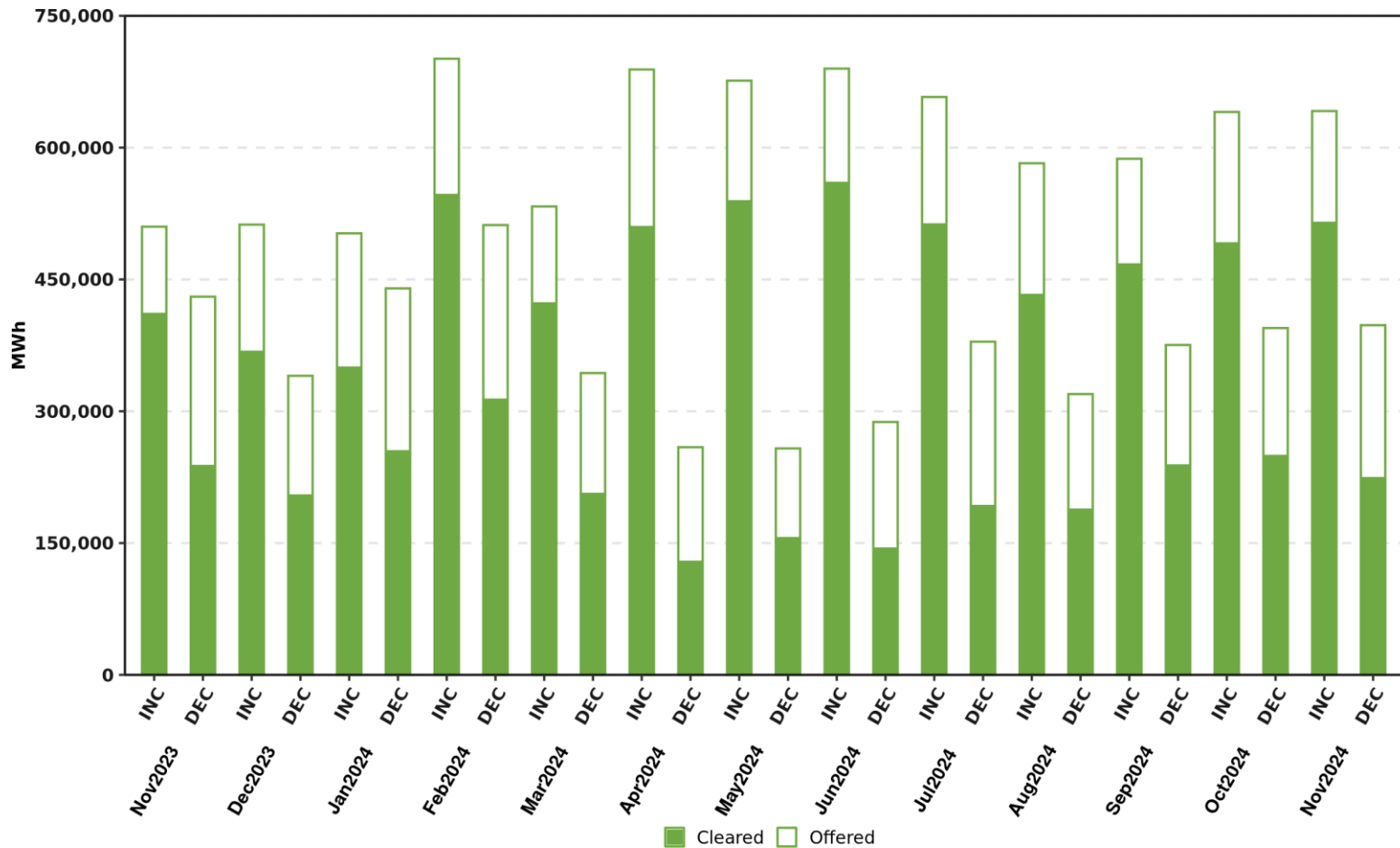


Includes nodal activity within the zone; excludes external nodes



Total Increment Offers and Decrement Bids

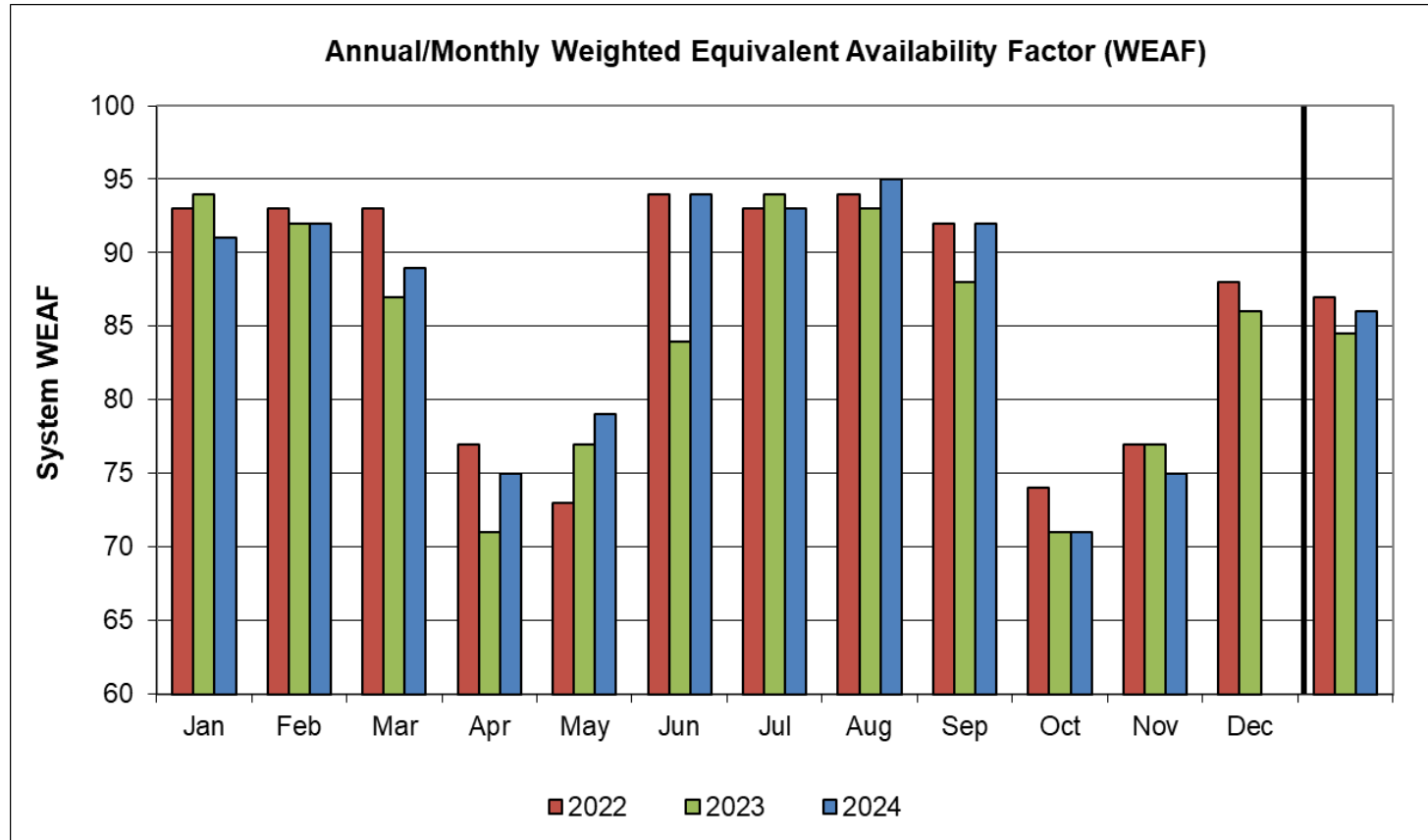
Zonal Level, Last 13 Months



Includes nodal activity within the zone; excludes external nodes



System Unit Availability



	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2024	91	92	89	75	79	94	93	95	92	71	75	86	86
2023	94	92	87	71	77	84	94	93	88	71	77	86	85
2022	93	93	93	77	73	94	93	94	92	74	77	88	87

Data as of 11/21/24



BACK-UP DETAIL

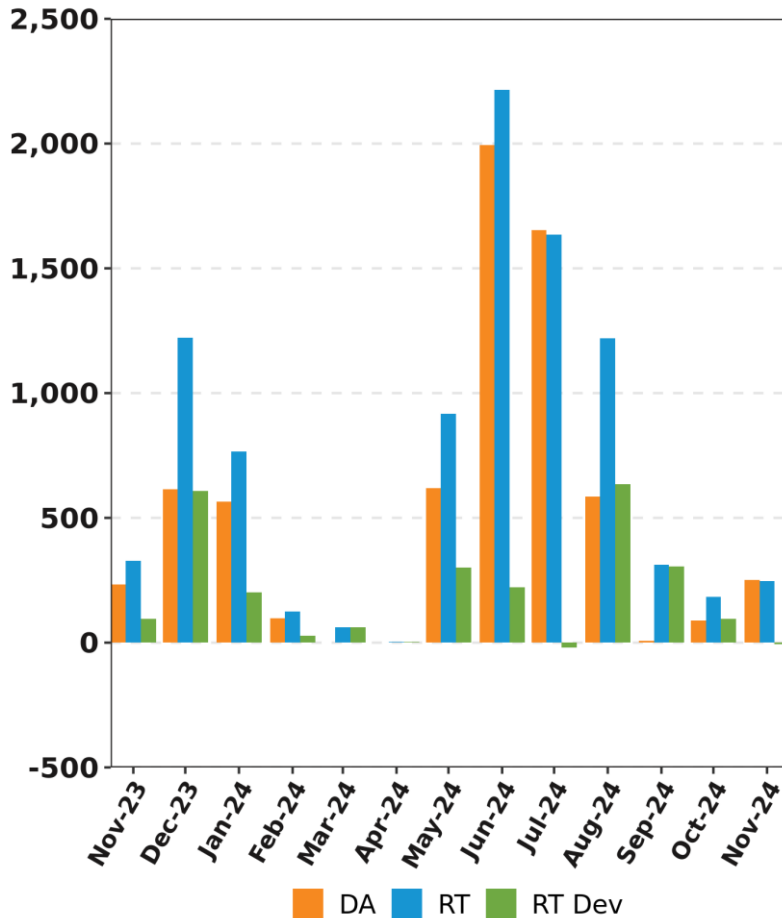


DEMAND RESPONSE

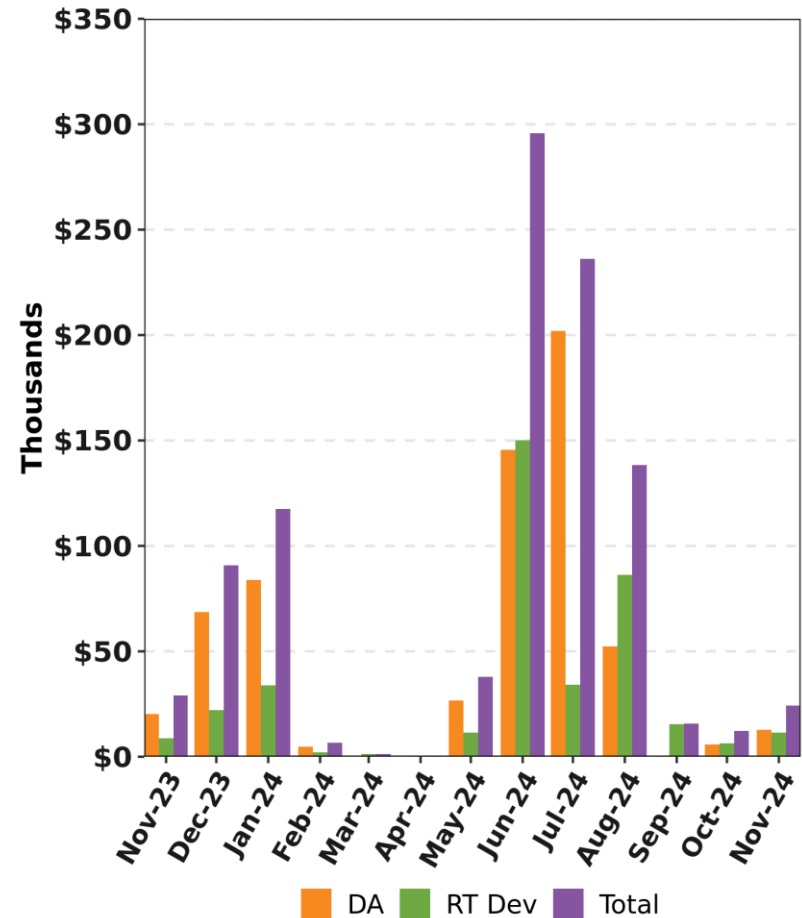


Price Responsive Demand (PRD) Energy Market Activity by Month

DA, RT, and RT Dev MWh



Market Value



DA and RT (deviation) MWh are settlement obligations and reflect appropriate gross-ups for distribution losses.



NEW GENERATION



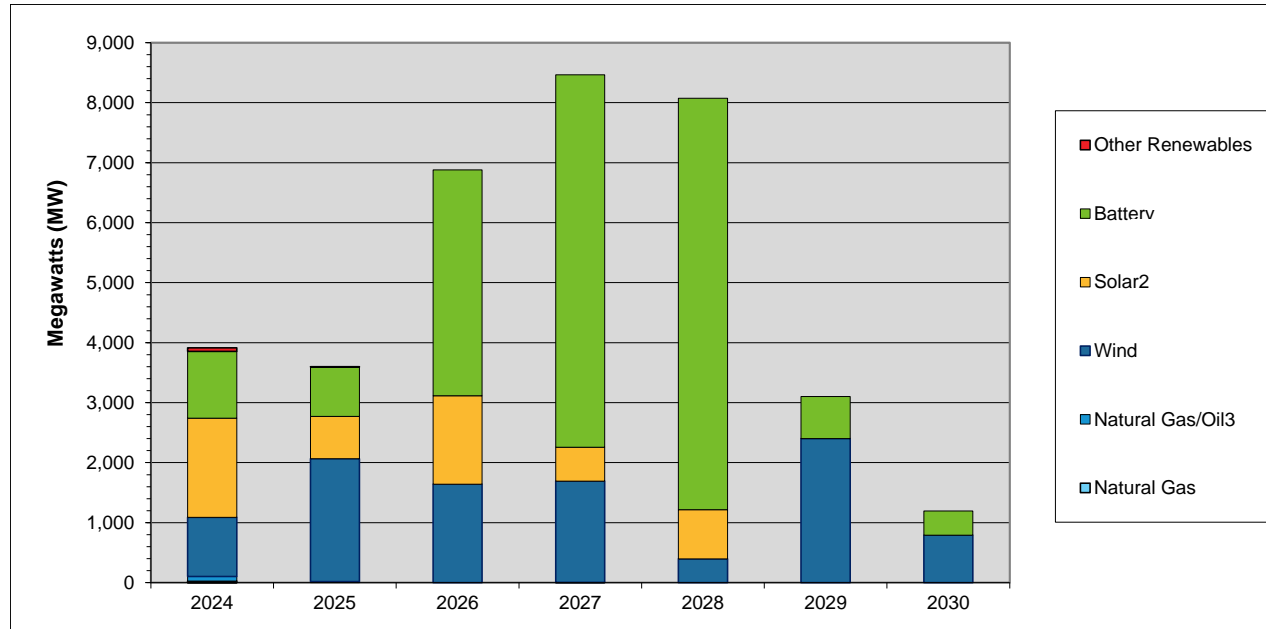
New Generation Update

Based on Queue as of 12/02/24

- No new projects were added to the interconnection queue since the last update
 - Any new ISO Interconnection Requests seeking to successfully enter the Order No. 2023 Transitional Cluster Study process were required to be submitted by June 13, 2024 at 23:59
 - Thereafter, the creation of new ISO Interconnection Requests is now suspended until the next Cluster Entry Window opens
- In total, 399 generation projects are currently being tracked by the ISO, totaling approximately 42,500 MW



Projected Annual Capacity Additions By Supply Fuel Type and Demand Resource Type



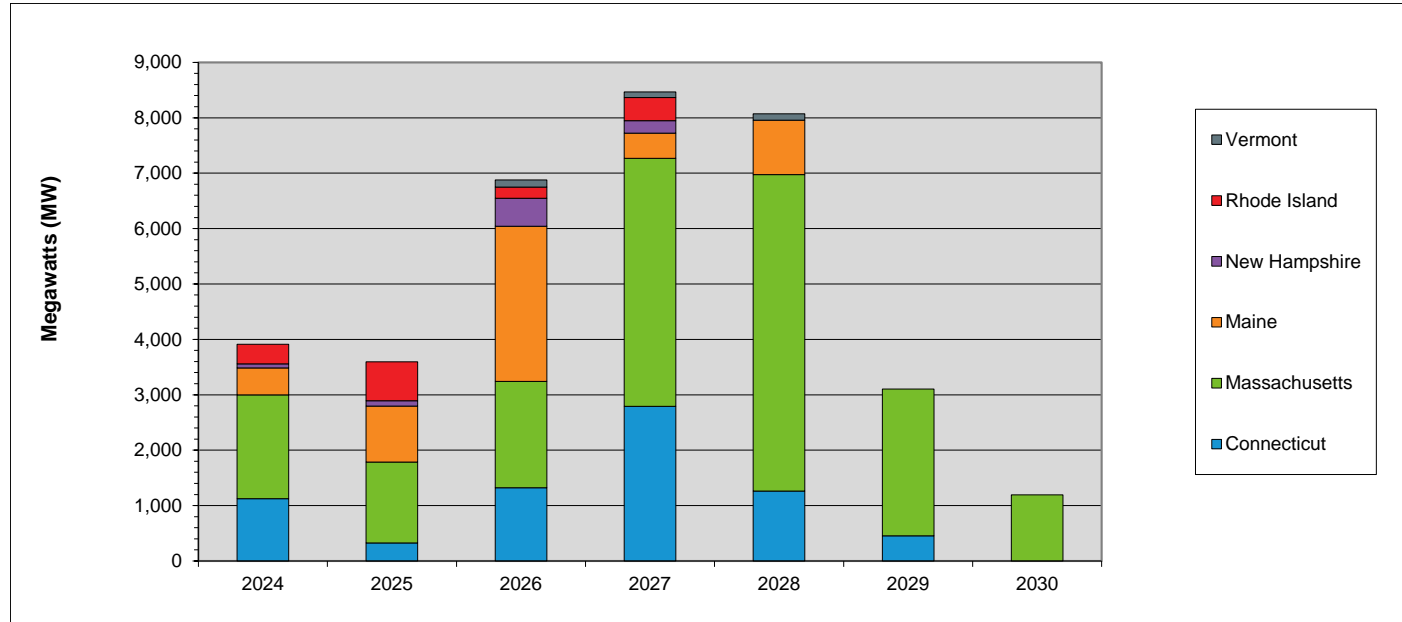
	2024	2025	2026	2027	2028	2029	2030	Total MW	% of Total ¹
Other Renewables	58	2	0	0	0	0	0	60	0.2
Battery	1,114	825	3,762	6,209	6,856	704	404	19,874	56.4
Solar ²	1,652	705	1,477	565	823	0	0	5,222	14.8
Wind	989	2,049	1,640	1,687	394	2,400	791	9,950	28.2
Natural Gas/Oil ³	73	16	0	0	0	0	0	89	0.3
Natural Gas	26	0	0	4	0	0	0	30	0.1
Totals	3,912	3,597	6,879	8,465	8,073	3,104	1,195	35,225	100.0

¹ Sum may not equal 100% due to rounding

² This category includes both solar-only, and co-located solar and battery projects

³ The projects in this category are dual fuel, with either gas or oil as the primary fuel

Projected Annual Generator Capacity Additions By State



	2024	2025	2026	2027	2028	2029	2030	Total MW	% of Total ¹
Vermont	0	0	128	101	115	0	0	344	1.0
Rhode Island	355	704	205	415	0	0	0	1,679	4.8
New Hampshire	73	97	504	226	0	0	0	900	2.6
Maine	487	1,011	2,799	453	984	0	0	5,734	16.3
Massachusetts	1,872	1,461	1,923	4,481	5,710	2,650	1,195	19,292	54.8
Connecticut	1,125	324	1,320	2,789	1,264	454	0	7,276	20.7
Totals	3,912	3,597	6,879	8,465	8,073	3,104	1,195	35,225	100.0

¹ Sum may not equal 100% due to rounding

New Generation Projection

By Fuel Type

Unit Type	Total		Green		Yellow	
	No. of Projects	Capacity (MW)	No. of Projects	Capacity (MW)	No. of Projects	Capacity (MW)
Biomass/Wood Waste	0	0	0	0	0	0
Battery Storage	126	19,874	2	325	124	19,549
Fuel Cell	3	32	1	20	2	12
Hydro	1	28	1	28	0	0
Natural Gas	4	30	0	0	4	30
Natural Gas/Oil	2	89	0	0	2	89
Nuclear	0	0	0	0	0	0
Solar	237	5,222	14	310	223	4,912
Wind	26	17,225	3	985	23	16,240
Total	399	42,500	21	1,668	378	40,832

- Projects in the Natural Gas/Oil category may have either gas or oil as the primary fuel
- Green denotes projects with a high probability of going into service within the next 12 months
- Yellow denotes projects with a lower probability of going into service or new applications

New Generation Projection

By Operating Type

Operating Type	Total		Green		Yellow	
	No. of Projects	Capacity (MW)	No. of Projects	Capacity (MW)	No. of Projects	Capacity (MW)
Baseload	6	73	2	48	4	25
Intermediate	2	89	0	0	2	89
Peaker	365	25,113	16	635	349	24,478
Wind Turbine	26	17,225	3	985	23	16,240
Total	399	42,500	21	1,668	378	40,832

- Green denotes projects with a high probability of going into service within the next 12 months
- Yellow denotes projects with a lower probability of going into service or new applications

New Generation Projection

By Operating Type and Fuel Type

Unit Type	Total		Baseload		Intermediate		Peaker		Wind Turbine	
	No. of Projects	Capacity (MW)	No. of Projects	Capacity (MW)	No. of Projects	Capacity (MW)	No. of Projects	Capacity (MW)	No. of Projects	Capacity (MW)
Biomass/Wood Waste	0	0	0	0	0	0	0	0	0	0
Battery Storage	126	19,874	0	0	0	0	126	19,874	0	0
Fuel Cell	3	32	3	32	0	0	0	0	0	0
Hydro	1	28	1	28	0	0	0	0	0	0
Natural Gas	4	30	2	13	0	0	2	17	0	0
Natural Gas/Oil	2	89	0	0	2	89	0	0	0	0
Nuclear	0	0	0	0	0	0	0	0	0	0
Solar	237	5,222	0	0	0	0	237	5,222	0	0
Wind	26	17,225	0	0	0	0	0	0	26	17,225
Total	399	42,500	6	73	2	89	365	25,113	26	17,225

- Projects in the Natural Gas/Oil category may have either gas or oil as the primary fuel

FORWARD CAPACITY MARKET



Capacity Supply Obligation FCA 14

Resource Type	Resource Type	FCA	ARA 1		ARA 2		ARA 3	
		CSO	CSO	Change	CSO	Change	CSO	Change
		MW	MW	MW	MW	MW	MW	MW
Demand	Active Demand	592.043	688.07	96.027	659.671	-28.399	564.371	-95.3
	Passive Demand	3,327.071	3,327.932	0.861	3,315.207	-12.725	3,253.179	-62.028
Demand Total		3,919.114	4,016.002	96.888	3,974.878	-41.124	3,817.550	-157.328
Generator	Non-Intermittent	27,816.902	28,275.143	458.241	27,697.714	-577.429	27,684.252	-13.462
	Intermittent	1,160.916	1,128.446	-32.47	925.942	-202.504	893.444	-32.498
Generator Total		28,977.818	29,403.589	425.771	28,623.656	-779.933	28,577.696	-45.96
Import Total		1,058.72	1,058.72	0	1,029.800	-28.92	958.380	-71.42
Grand Total*		33,955.652	34,478.311	522.661	33,628.334	-849.977	33,353.626	-274.708
Net ICR (NICR)		32,490	32,980	490	31,480	-1,500	31,690	210

* Grand Total reflects both CSO Grand Total and the net total of the Change Column

Note: A resource's CSO may change for a variety of reasons outside ISO-NE administered trading windows. Reasons for CSO changes beyond reconfiguration auctions may include terminations or recent declaration of commercial operation. Details of the changes that occurred due to non-annual event purposes are contained in the 2024-2028 CCP Month Capacity Supply Obligation Changes report on the ISO New England website.

Capacity Supply Obligation FCA 15

Resource Type	Resource Type	FCA	ARA 1		ARA 2		ARA 3	
		CSO	CSO	Change	CSO	Change	CSO	Change
		MW	MW	MW	MW	MW	MW	MW
Demand	Active Demand	677.673	673.401	-4.272	579.692	-93.709	461.416	-118.276
	Passive Demand	3,212.865	3,211.403	-1.462	3,134.652	-76.751	3,113.332	-21.32
Demand Total		3,890.538	3,884.804	-5.734	3,714.344	-170.460	3,574.748	-139.596
Generator	Non-Intermittent	28,154.203	27,714.778	-439.425	27,081.653	-633.125	27,132.413	50.76
	Intermittent	1,089.265	1,073.794	-15.471	1,056.601	-17.193	865.694	-190.907
Generator Total		29,243.468	28,788.572	-454.896	28,138.254	-650.318	27,998.107	-140.147
Import Total		1,487.059	1297.132	-189.927	1,249.545	-47.587	1,193.583	-55.962
Grand Total*		34,621.065	33,970.508	-650.557	33,102.143	-868.365	32,766.438	-335.705
Net ICR (NICR)		33,270	31,775	-1,495	31,545	-230	31,380	-165

* Grand Total reflects both CSO Grand Total and the net total of the Change Column

Note: A resource's CSO may change for a variety of reasons outside ISO-NE administered trading windows. Reasons for CSO changes beyond reconfiguration auctions may include terminations or recent declaration of commercial operation. Details of the changes that occurred due to non-annual event purposes are contained in the 2024-2028 CCP Month Capacity Supply Obligation Changes report on the ISO New England website.



Capacity Supply Obligation FCA 16

Resource Type	Resource Type	FCA	ARA 1		ARA 2		ARA 3	
		CSO	CSO	Change	CSO	Change	CSO	Change
		MW	MW	MW	MW	MW	MW	MW
Demand	Active Demand	765.35	589.882	-175.468	504.466	-85.416		
	Passive Demand	2,557.256	2,579.120	21.864	2,574.367	-4.753		
Demand Total		3,322.606	3,169.002	-153.604	3,078.833	-90.169		
Generator	Non-Intermittent	26,805.003	26,643.379	-161.624	26,503.730	-139.649		
	Intermittent	1,178.933	1,146.783	-32.15	989.265	-157.518		
Generator Total		27,983.936	27,790.162	-193.774	27,492.995	-297.167		
Import Total		1,503.842	1,247.601	-256.241	1,244.601	-3.000		
Grand Total*		32,810.384	32,206.765	-603.619	31,816.429	-390.336		
Net ICR (NICR)		31,645	30,585	-1,060	30,775	190.000		

* Grand Total reflects both CSO Grand Total and the net total of the Change Column

Note: A resource's CSO may change for a variety of reasons outside ISO-NE administered trading windows. Reasons for CSO changes beyond reconfiguration auctions may include terminations or recent declaration of commercial operation. Details of the changes that occurred due to non-annual event purposes are contained in the 2024-2028 CCP Month Capacity Supply Obligation Changes report on the ISO New England website.



Capacity Supply Obligation FCA 17

Resource Type	Resource Type	FCA	ARA 1		ARA 2		ARA 3	
		CSO	CSO	Change	CSO	Change	CSO	Change
		MW	MW	MW	MW	MW	MW	MW
Demand	Active Demand	622.854	584.913	-37.941				
	Passive Demand	2,316.815	2,314.068	-2.747				
Demand Total		2,939.669	2,898.981	-40.688				
Generator	Non-Intermittent	26,507.420	26,715.489	208.069				
	Intermittent	1,356.084	1,286.589	-69.495				
Generator Total		27,863.504	28,002.078	138.574				
Import Total		566.998	564.079	-2.919				
Grand Total*		31,370.171	31,465.138	94.967				
Net ICR (NICR)		30,305	30,395	90.000				

* Grand Total reflects both CSO Grand Total and the net total of the Change Column

Note: A resource's CSO may change for a variety of reasons outside ISO-NE administered trading windows. Reasons for CSO changes beyond reconfiguration auctions may include terminations or recent declaration of commercial operation. Details of the changes that occurred due to non-annual event purposes are contained in the 2024-2028 CCP Month Capacity Supply Obligation Changes report on the ISO New England website.



Capacity Supply Obligation FCA 18

Resource Type	Resource Type	FCA	ARA 1		ARA 2		ARA 3	
		CSO	CSO	Change	CSO	Change	CSO	Change
		MW	MW	MW	MW	MW	MW	MW
Demand	Active Demand	543.580						
	Passive Demand	2,070.498						
Demand Total		2,614.078						
Generator	Non-Intermittent	27,026.635						
	Intermittent	1,450.872						
Generator Total		28,477.507						
Import Total		464.835						
Grand Total*		31,556.420						
Net ICR (NICR)		30,550						

* Grand Total reflects both CSO Grand Total and the net total of the Change Column

Note: A resource's CSO may change for a variety of reasons outside ISO-NE administered trading windows. Reasons for CSO changes beyond reconfiguration auctions may include terminations or recent declaration of commercial operation. Details of the changes that occurred due to non-annual event purposes are contained in the 2024-2028 CCP Month Capacity Supply Obligation Changes report on the ISO New England website.

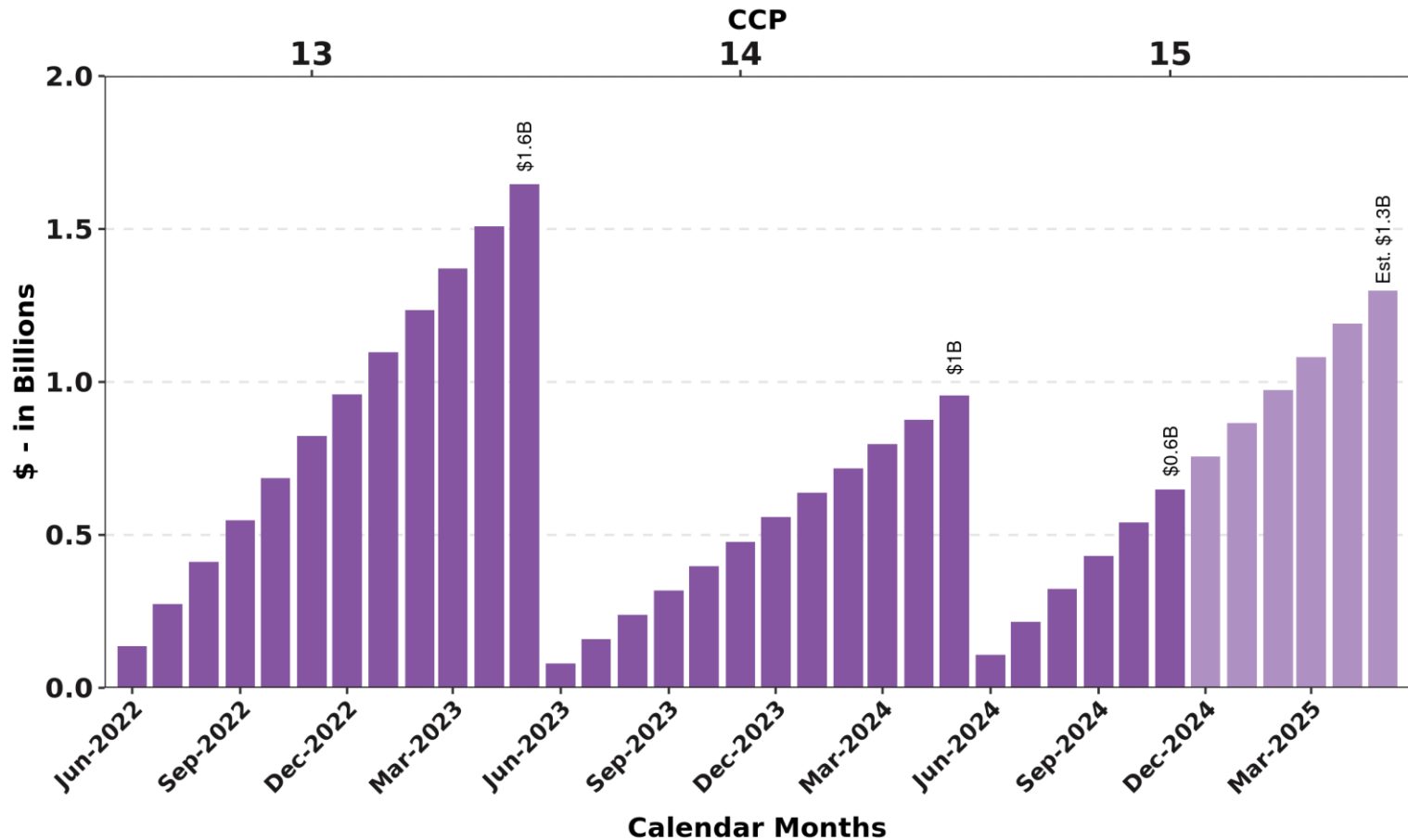
Active/Passive Demand Response

CSO Totals by Commitment Period

Commitment Period	Active/Passive	Existing	New	Grand Total
2021-22	Active	480.941	143.504	624.445
	Passive	2,604.79	370.568	2,975.36
	Grand Total	3,085.734	514.072	3,599.806
2022-23	Active	598.376	87.178	685.554
	Passive	2,788.33	566.363	3,354.69
	Grand Total	3,386.703	653.541	4,040.244
2023-24	Active	560.55	31.493	592.043
	Passive	3,035.51	291.565	3,327.07
	Grand Total	3,596.056	323.058	3,919.114
2024-25	Active	674.153	3.520	677.673
	Passive	3,046.064	166.801	3,212.865
	Grand Total	3,720.217	170.321	3,890.538
2025-26	Active	664.01	101.34	765.35
	Passive	2,428.638	128.618	2557.256
	Grand Total	3,092.648	229.958	3,322.606
2026-27	Active	615.369	7.485	622.854
	Passive	2,194.172	122.643	2,316.815
	Grand Total	2,809.541	130.128	2,939.669
2027-28	Active	543.58	0.0	543.58
	Passive	1,965.515	104.983	2070.498
	Grand Total	2,509.095	104.983	2,614.498

Forward Capacity Market Auctions

Cumulative FCM Charges by CCP



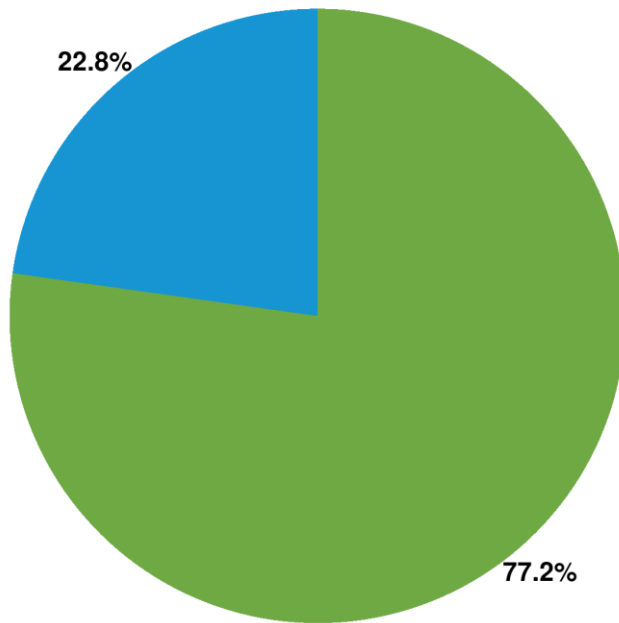
The items in the graph shaded in a lighter color represent the forecast for future months in the Capacity Commitment Period (CCP)

NET COMMITMENT PERIOD COMPENSATION



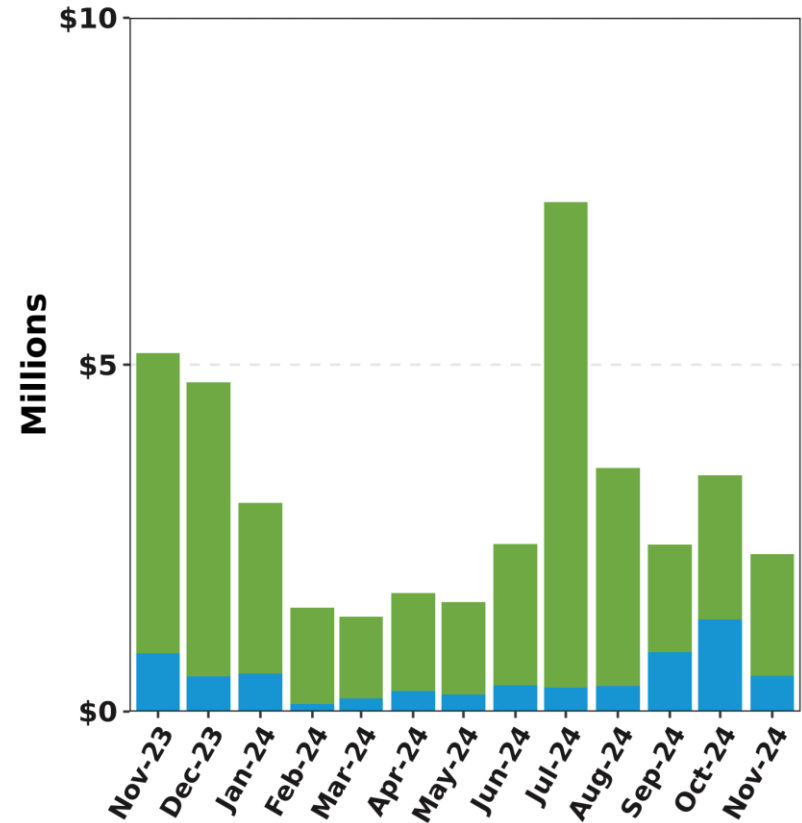
DA and RT NCPC Charges

Nov-24 Total = \$2.3 M



Day-Ahead Real-Time

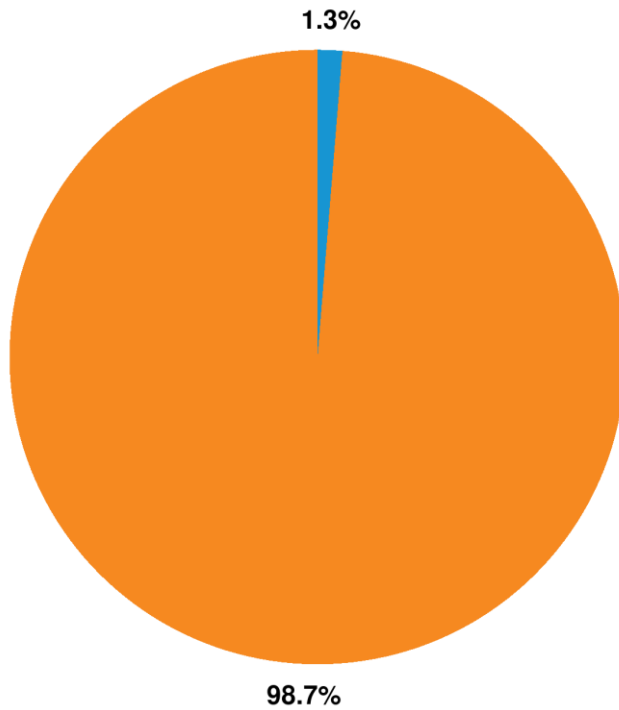
Last 13 Months



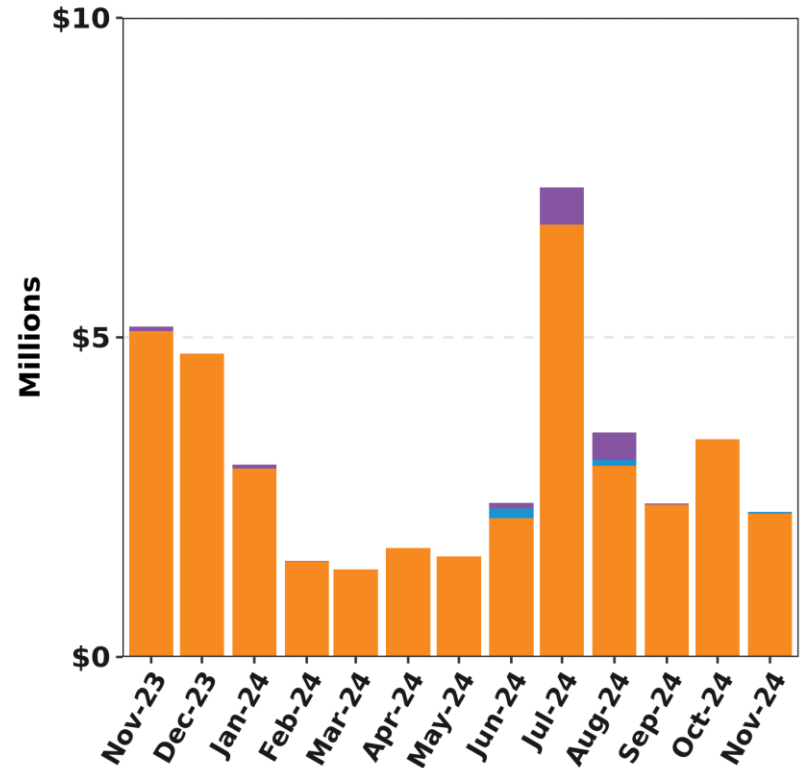
Day-Ahead Real-Time

NCPC Charges by Type

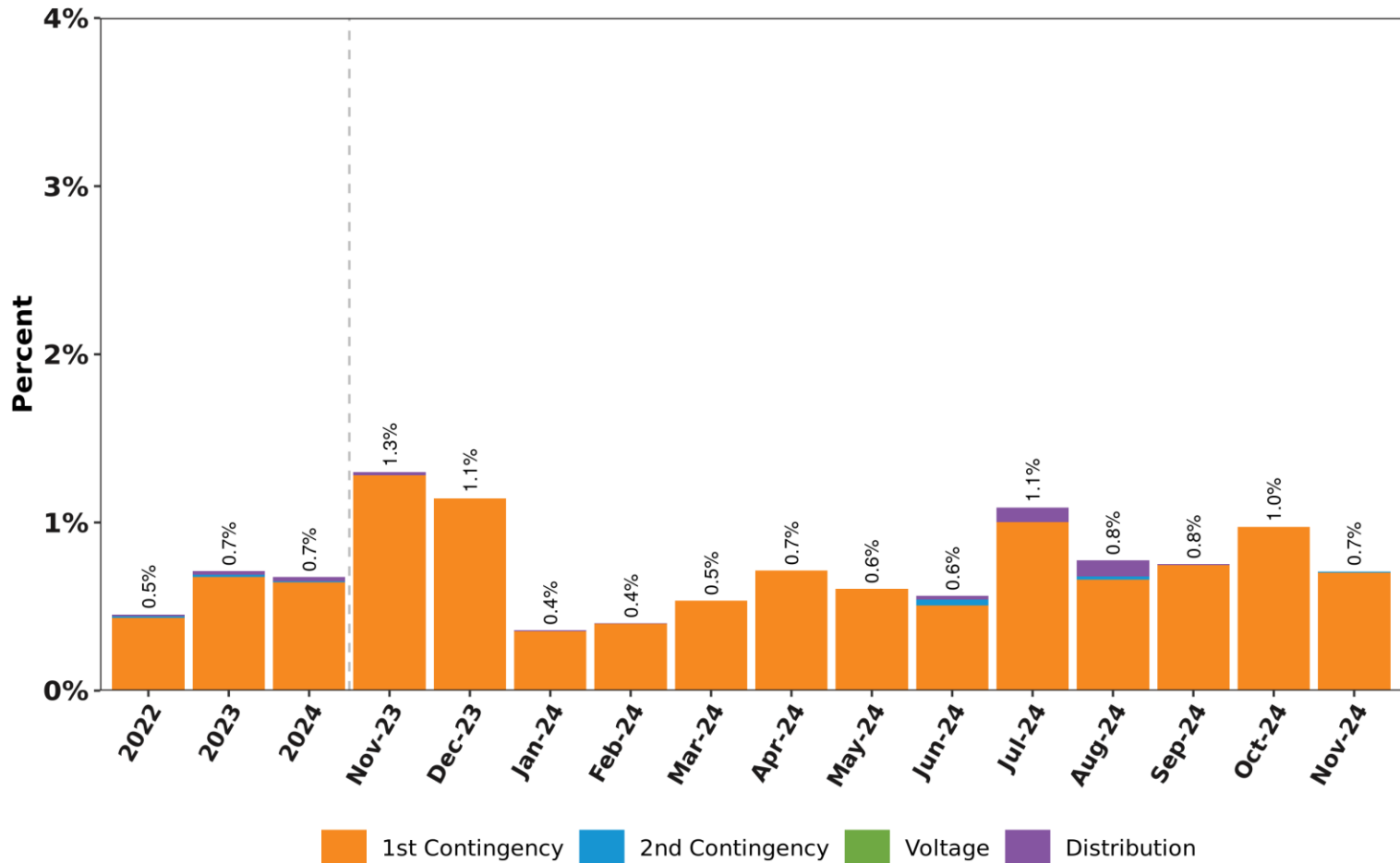
Nov-24 Total = \$2.3 M



Last 13 Months

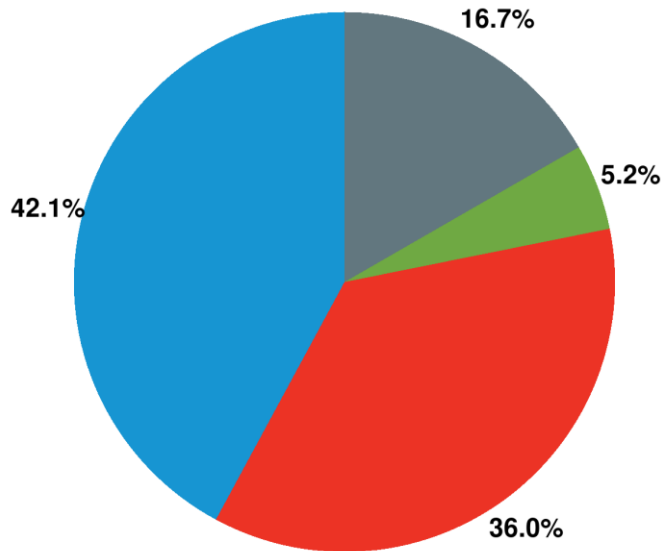


NCPC Charges by Type as Percent of Energy Market Value

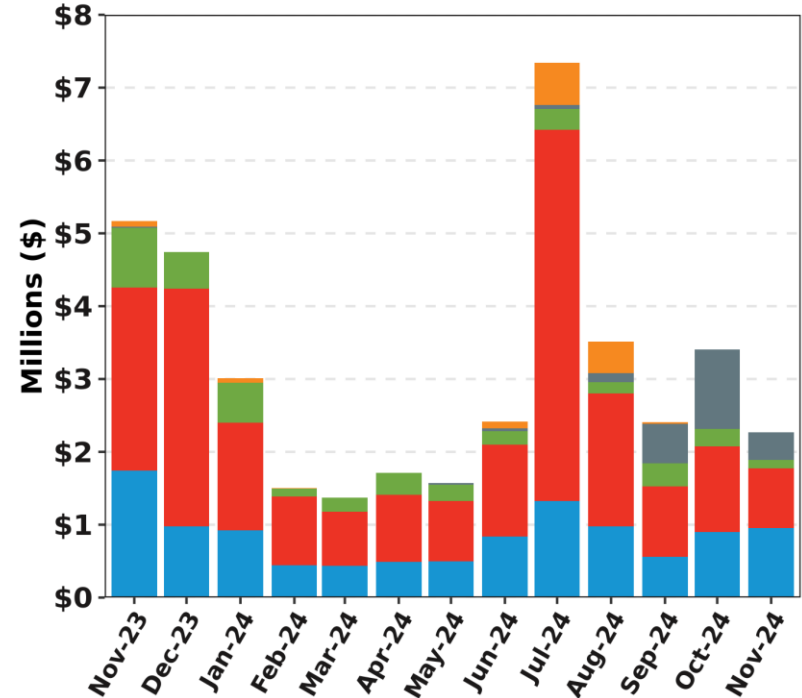


NCPC Charge Allocations

Nov-24 Total = \$2.3 M

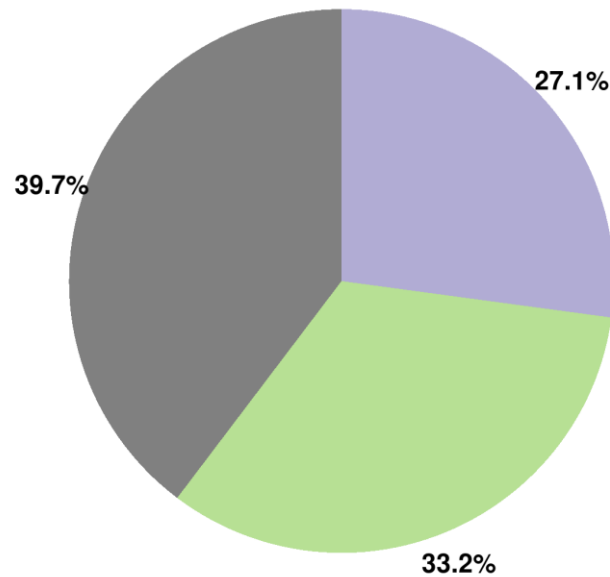


Last 13 Months

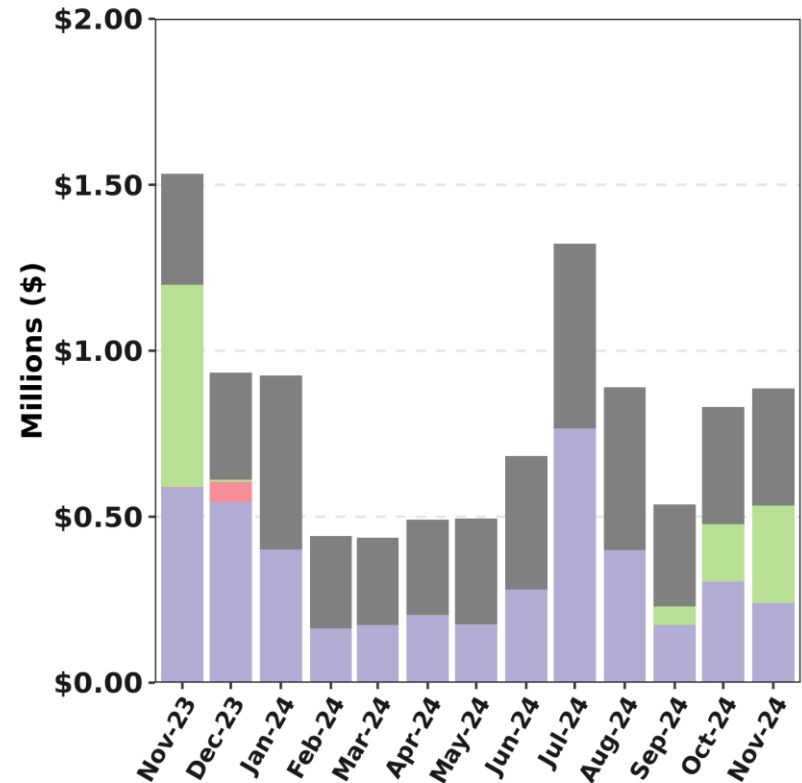


RT First Contingency NCPC Paid to Units and Allocated to RTLO and/or RTGO

Nov-24 Total = \$0.9 M



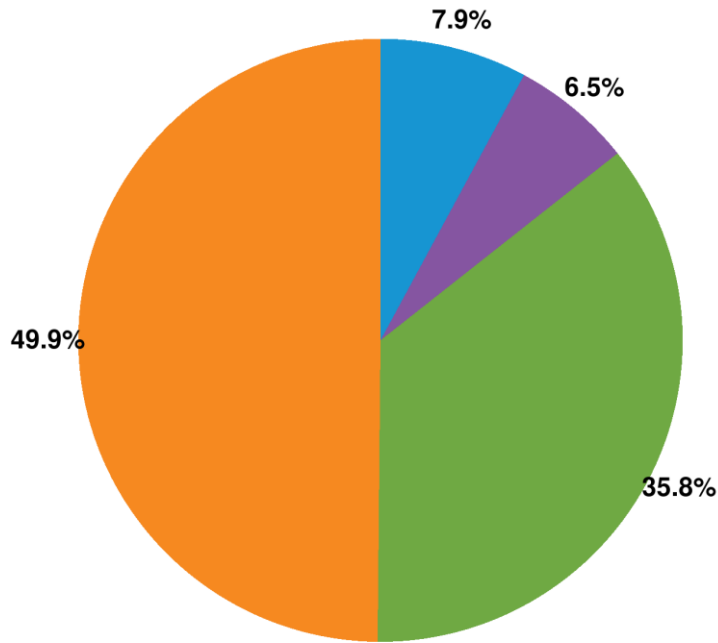
Last 13 Months



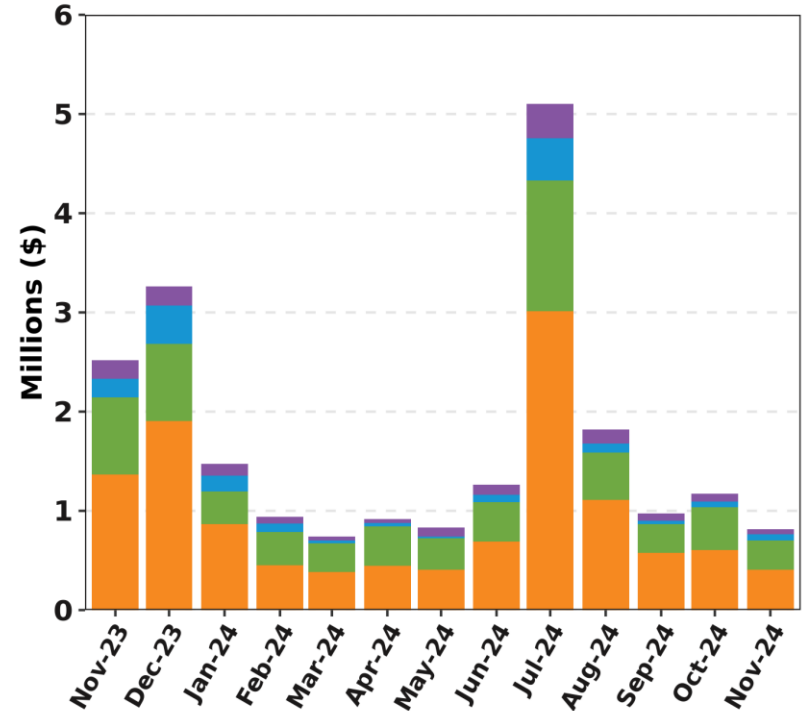
The categories shown above are a subset of those reflected in First Contingency NCPC throughout this report. The above categories are allocated to RTLO, except for Min Gen Emergency credits, which are allocated to RTGO.

RT First Contingency Charges by Deviation Type

Nov-24 Total = \$0.8 M



Last 13 Months

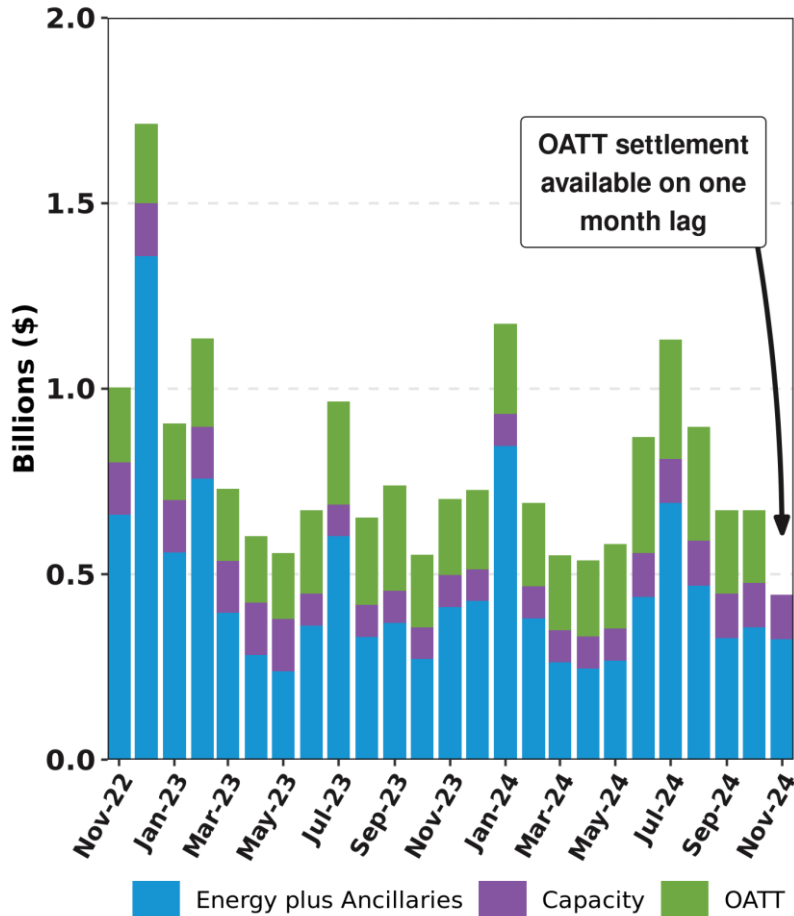


ISO BILLINGS

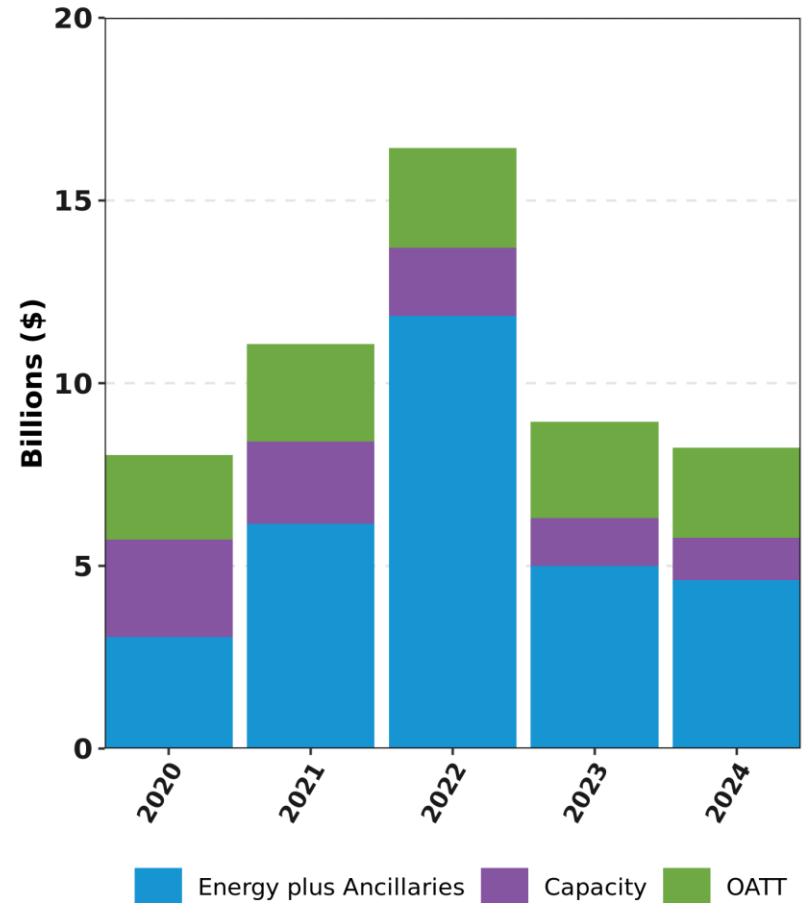


Total ISO Billings

Monthly Billed Amounts



Annual Cumulative Billed Amounts



Ancillaries = Reserves, Regulation, NCPC, minus Marginal Loss Revenue Fund. OATT = RNS, Through and Out, Schedule 9

REGIONAL SYSTEM PLAN (RSP)



Planning Advisory Committee (PAC)

- December 18 PAC Meeting Agenda Topics*
 - Asset Condition Projects
 - Line 191 OPGW (Eversource)
 - 211-514X 115 kV Line, HPFF Reconductor (Eversource)
 - Eastern Massachusetts Underground Cable Modernization Program (UCMP)
 - Sandy Pond 237 Asset Replacement (NGRID)
 - 337 345 kV Line Asset Condition Refurbishment (NGRID)
 - Westminster and East Westminster Switch Replacement Project (NGRID)
 - Potential 2050 Transmission Needs RFP (NESCOE)
 - Maine Interface Transfer Limits Post-NECEC
 - Moody's Analytics Economic Update

* Agenda topics are subject to change. Visit <https://www.iso-ne.com/committees/planning/planning-advisory> for the latest PAC agendas.

2050 Transmission Study

- Final version of the study, technical appendix, responses to stakeholder feedback, and study fact sheet were published on 2/14/24
- Additional analysis to address stakeholder comments on offshore wind points of interconnection was presented to PAC on 3/20/24, and will continue through Q2 and Q3 2024
- Results of additional analysis on offshore wind relocation were presented at the 4/18/24 PAC meeting
- The ISO discussed the results of the offshore wind point of interconnection screening and constraint identification analysis at the 8/21/24 PAC meeting
- Draft report on additional analysis to address stakeholder comments is expected to be issued by the end of 2024

Economic Studies: EPCET

- Economic Planning for the Clean Energy Transition (EPCET) Pilot Study
 - An effort to review all assumptions in economic planning and perform a test study consistent with the changes to the Tariff
 - This study is now complete with the issuance of the final report and two-pager on October 24
 - A webinar is planned for December



Economic Studies: 2024 Study

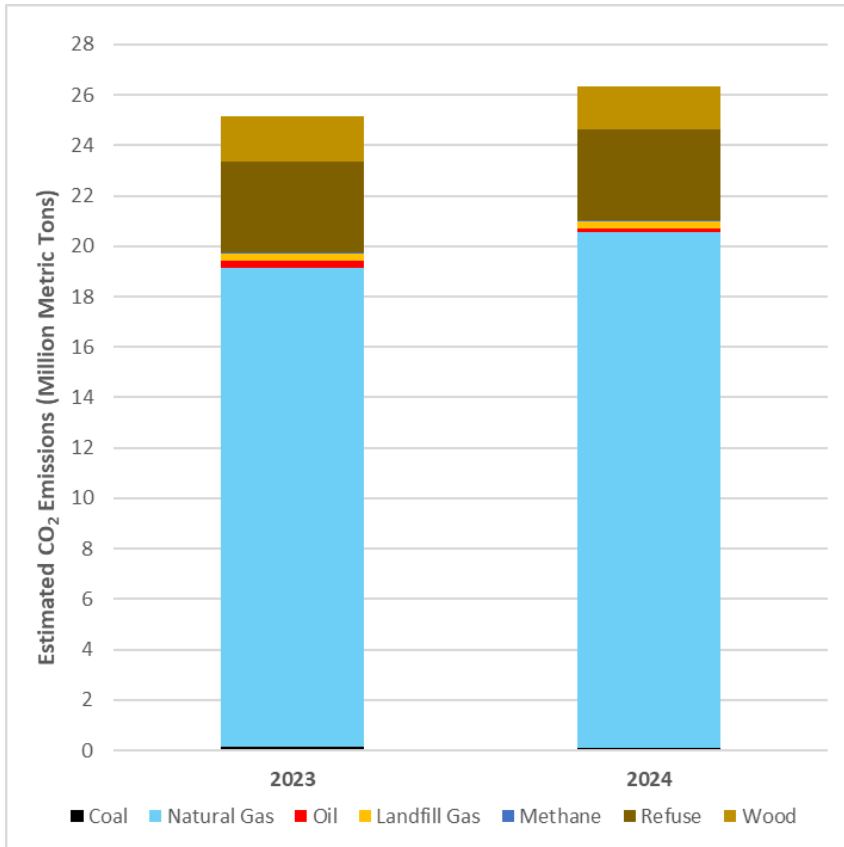
- The 2024 Economic Study
 - This study is the first use of new Economic Study Process Tariff language
 - The study was initiated at the January PAC meeting
 - The Benchmark Scenario has been completed and the Policy and Stakeholder-Requested Scenarios are being analyzed between now and Q1 2025
 - The stakeholder-Requested Scenario was discussed at the June PAC meeting; it focuses on the use of peaker plants in various future power system resource mixes
 - The System Efficiency Needs Scenario will be studied in 2025
 - As part of the Economic Study Process Phase 2 Tariff changes, “Market Efficiency” is being renamed to “System Efficiency”

ISO-NE Tie Benefits Evaluation

- The ISO presented the tie benefits evaluation at the October 19, 2023, January 25, 2024, and March 15, 2024 PSPC meetings
- The ISO issued a memo on June 26, 2024 to the RC and PSPC to summarize the evaluation and provide additional next steps
 - Continue to reach out to neighboring Balancing Areas to further modeling improvements
 - Continue efforts to adapt the current tie benefit methodology into a seasonal capacity market

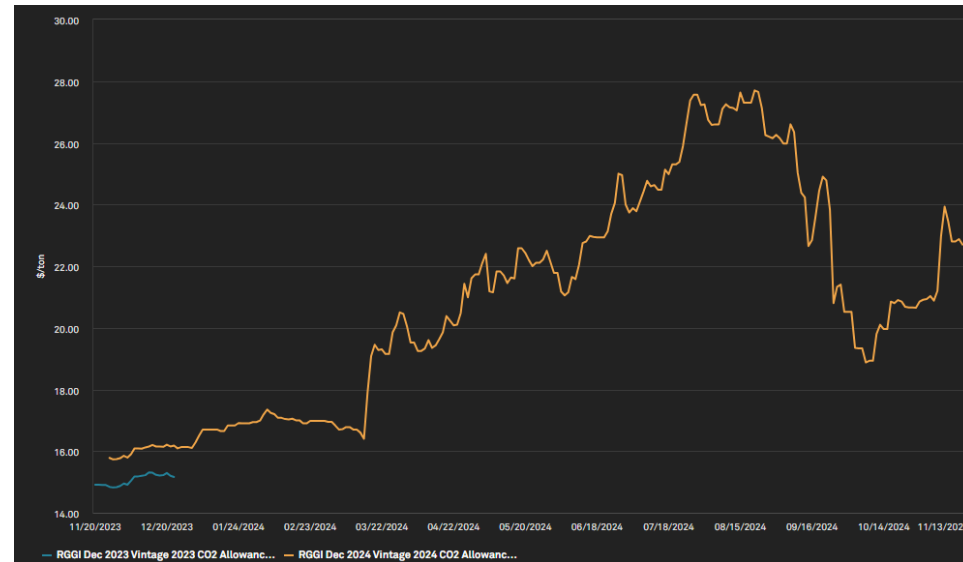
New England Power System Carbon Emissions

2023 vs. 2024 New England Power System Estimated Carbon Dioxide (CO₂) Emissions



Data as of 11/10/24

Regional Greenhouse Gas Initiative (RGGI) Allowance Prices



- 11/15/24: RGGI allowance spot price - \$22.70
- 10/08/24: RGGI issued notice for the 66th auction scheduled for December 4
 - Initial offering includes 15,943,608 CO₂ allowances
 - The Cost Containment Reserve for 2024 was depleted in Auction 63 and are not available in Auction 66

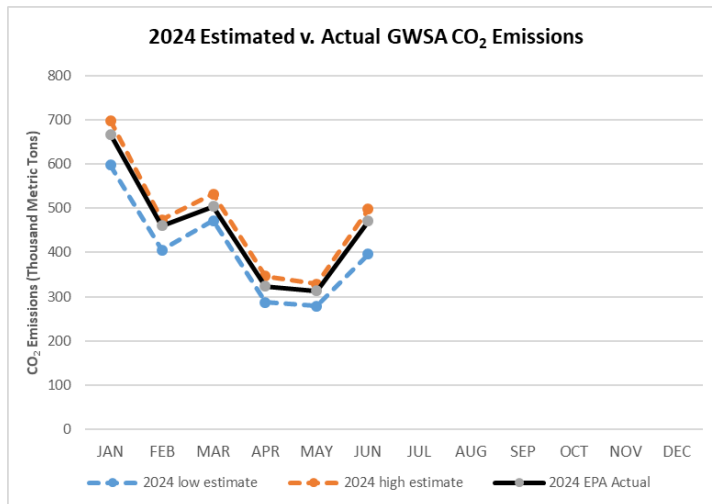
Massachusetts CO₂ Generator Emissions Cap

2024 Estimated Emissions Under CO₂ Cap

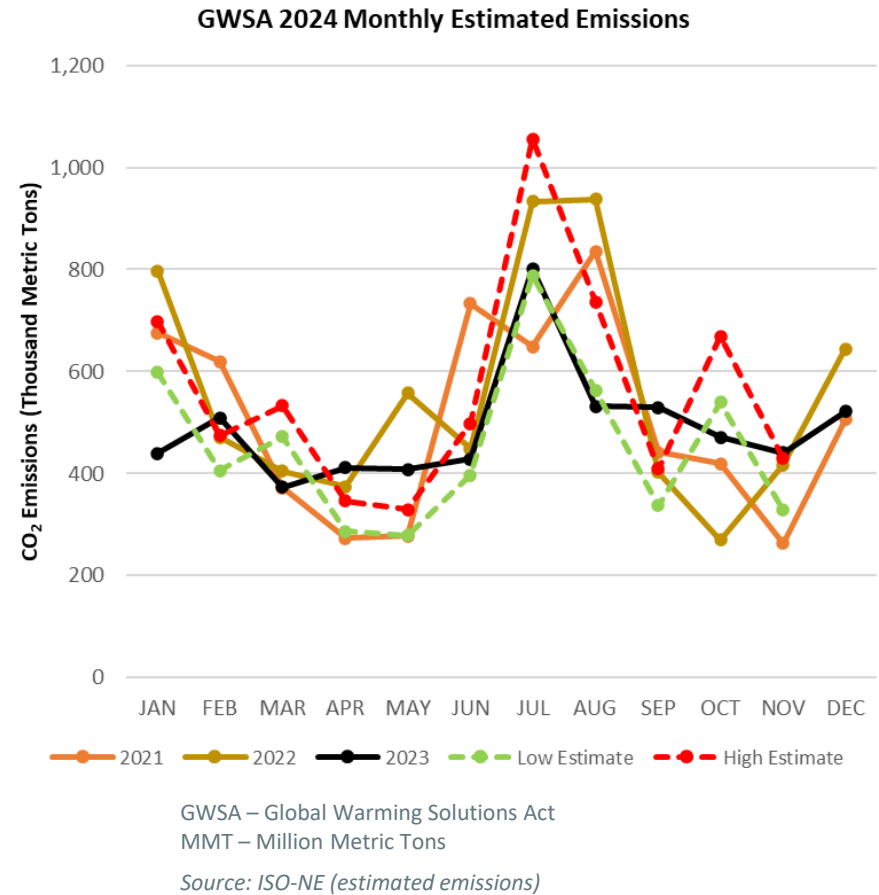
- As of 11/18/24, November estimated GWSA CO₂ emissions range between **328,757** and **429,240** metric tons
 - Year-to-date 2024 estimated emissions range between **65.6%** and **81.2%** of the 2024 cap of 7.61 MMT

2024 Q1/Q2 Actual Emissions Under CO₂ Cap

- According to the [EPA CAMPD](#), Quarter 1 and 2 (January-June) 2024 GWSA CO₂ emissions were **2.74 MMT**, or **36.0%** of the 2024 cap of 7.61 MMT



2021-2024 Estimated Monthly Emissions (Thousand Metric Tons)



RSP Project Stage Descriptions

Stage	Description
1	Planning and Preparation of Project Configuration
2	Pre-construction (e.g., material ordering, project scheduling)
3	Construction in Progress
4	In Service

Note: The listings in this section focus on major transmission line construction and rebuilding.



Greater Boston Projects

Status as of 11/23/2024

Plan Benefit: Addresses long-term system needs in the Greater Boston area and improves system reliability

RSP Project List ID	Upgrade	Expected/ Actual In-Service	Present Stage
1213, 1220, 1365	Install new 345 kV line from Scobie to Tewksbury	Dec-17	4
1527, 1528	Reconductor the Y-151 115 kV line from Dracut Junction to Power Street	Apr-17	4
1212, 1549	Reconductor the M-139 115 kV line from Tewksbury to Pinehurst and associated work at Tewksbury	May-17	4
1549	Reconductor the N-140 115 kV line from Tewksbury to Pinehurst and associated work at Tewksbury	May-17	4
1260	Reconductor the F-158N 115 kV line from Wakefield Junction to Maplewood and associated work at Maplewood	Dec-15	4
1550	Reconductor the F-158S 115 kV line from Maplewood to Everett	Jun-19	4
1551, 1552	Install new 345 kV cable from Woburn to Wakefield Junction, install two new 160 MVAR variable shunt reactors and associated work at Wakefield Junction and Woburn*	Mar-24	4
1329	Refurbish X-24 69 kV line from Millbury to Northboro Road	Dec-15	4
1327	Reconductor W-23W 69 kV line from Woodside to Northboro Road	Jun-19	4

Greater Boston Projects, cont.

Status as of 11/23/2024

Plan Benefit: Addresses long-term system needs in the Greater Boston area and improves system reliability

RSP Project List ID	Upgrade	Expected/ Actual In-Service	Present Stage
1330	Separate X-24 and E-157W DCT	Dec-18	4
1363	Separate Q-169 and F-158N DCT	Dec-15	4
1637, 1640	Reconductor M-139/211-503 and N-140/211-504 115 kV lines from Pinehurst to North Woburn tap	May-17	4
1516	Install new 115 kV station at Sharon to segment three 115 kV lines from West Walpole to Holbrook	Sep-20	4
965	Install third 115 kV line from West Walpole to Holbrook	Sep-20	4
1558	Install new 345 kV breaker in series with the 104 breaker at Stoughton	May-16	4
1199	Install new 230/115 kV autotransformer at Sudbury and loop the 282-602 230 kV line in and out of the new 230 kV switchyard at Sudbury	Dec-17	4
1335	Install a new 115 kV line from Sudbury to Hudson	Mar-25	3

Greater Boston Projects, cont.

Status as of 11/23/2024

Plan Benefit: Addresses long-term system needs in the Greater Boston area and improves system reliability

RSP Project List ID	Upgrade	Expected/Actual In-Service	Present Stage
1336	Replace 345/115 kV autotransformer, 345 kV breakers, and 115 kV switchgear at Woburn	Dec-19	4
1553	Install a 345 kV breaker in series with breaker 104 at Woburn	Jun-17	4
1337	Reconfigure Waltham by relocating PARs, 282-507 line, and a breaker	Dec-17	4
1339	Upgrade 533-508 115 kV line from Lexington to Hartwell and associated work at the stations	Aug-16	4
1521	Install a new 115 kV 54 MVAR capacitor bank at Newton	Dec-16	4
1522	Install a new 115 kV 36.7 MVAR capacitor bank at Sudbury	May-17	4
1352	Install a second Mystic 345/115 kV autotransformer and reconfigure the bus	May-19	4
1353	Install a 115 kV breaker on the East bus at K Street	Jun-16	4
1354, 1738	Install 115 kV cable from Mystic to Chelsea and upgrade Chelsea 115 kV station to BPS standards	Jul-21	4
1355	Split 110-522 and 240-510 DCT from Baker Street to Needham for a portion of the way and install a 115 kV cable for the rest of the way	Mar-21	4

Greater Boston Projects, cont.

Status as of 11/23/2024

Plan Benefit: Addresses long-term system needs in the Greater Boston area and improves system reliability

RSP Project List ID	Upgrade	Expected/ Actual In-Service	Present Stage
1356	Install a second 115 kV cable from Mystic to Woburn to create a bifurcated 211-514 line	Mar-24	4
1357	Open lines 329-510/511 and 250-516/517 at Mystic and Chatham, respectively. Operate K Street as a normally closed station.	May-19	4
1518	Upgrade Kingston to create a second normally closed 115 kV bus tie and reconfigure the 345 kV switchyard	Mar-19	4
1519	Relocate the Chelsea capacitor bank to the 128-518 termination postion	Dec-16	4



Greater Boston Projects, cont.

Status as of 11/23/2024

Plan Benefit: Addresses long-term system needs in the Greater Boston area and improves system reliability

RSP Project List ID	Upgrade	Expected/ Actual In-Service	Present Stage
1520	Upgrade North Cambridge to mitigate 115 kV 5 and 10 stuck breaker contingencies	Dec-17	4
1643	Install a 200 MVAR STATCOM at Coopers Mills	Nov-18	4
1341, 1645	Install a 115 kV 36.7 MVAR capacitor bank at Hartwell	May-17	4
1646	Install a 345 kV 160 MVAR shunt reactor at K Street	Dec-19	4
1647	Install a 115 kV breaker in series with the 5 breaker at Framingham	Mar-17	4
1554	Install a 115 kV breaker in series with the 29 breaker at K Street	Apr-17	4

SEMA/RI Reliability Projects

Status as of 11/23/2024

Project Benefit: Addresses system needs in the Southeast Massachusetts/Rhode Island area

RSP Project List ID	Upgrade	Expected/ Actual In-Service	Present Stage
1714	Construct a new 115 kV GIS switching station (Grand Army) which includes remote terminal station work at Brayton Point and Somerset substations, and the looping in of the E-183E, F-184, X3, and W4 lines	Oct-20	4
1742	Conduct remote terminal station work at the Wampanoag and Pawtucket substations for the new Grand Army GIS switching station	Oct-20	4
1715	Install upgrades at Brayton Point substation which include a new 115 kV breaker, new 345/115 kV transformer, and upgrades to E183E, F184 station equipment	Oct-20	4
1716	Increase clearances on E-183E & F-184 lines between Brayton Point and Grand Army substations	Nov-19	4
1717	Separate the X3/W4 DCT and reconductor the X3 and W4 lines between Somerset and Grand Army substations; reconfigure Y2 and Z1 lines	Nov-19	4

SEMA/RI Reliability Projects, cont.

Status as of 11/23/2024

Project Benefit: Addresses system needs in the Southeast Massachusetts/Rhode Island area

RSP Project List ID	Upgrade	Expected/ Actual In-Service	Present Stage
1718	Add 115 kV circuit breaker at Robinson Ave substation and re-terminate the Q10 line	Mar-22	4
1719	Install 45.0 MVAR capacitor bank at Berry Street substation	Cancelled*	N/A
1720	Separate the N12/M13 DCT and reconductor the N12 and M13 between Somerset and Bell Rock substations	Mar-27	2
1721	Reconfigure Bell Rock to breaker-and-a-half station, split the M13 line at Bell Rock substation, and terminate 114 line at Bell Rock; install a new breaker in series with N12/D21 tie breaker, upgrade D21 line switch, and install a 37.5 MVAR capacitor	Aug-23	4
1722	Extend the Line 114 from the Dartmouth town line (Eversource-National Grid border) to Bell Rock substation	Dec-25	2
1723	Reconductor L14 and M13 lines from Bell Rock substation to Bates Tap	Cancelled*	N/A

*Cancelled per ISO-NE PAC presentation on August 27, 2020

SEMA/RI Reliability Projects, cont.

Status as of 11/23/2024

Project Benefit: Addresses system needs in the Southeast Massachusetts/Rhode Island area

RSP Project List ID	Upgrade	Expected/Actual In-Service	Present Stage
1725	Build a new 115 kV line from Bourne to West Barnstable substations which includes associated terminal work	May-24	4
1726	Separate the 135/122 DCT from West Barnstable to Barnstable substations	Dec-21	4
1727	Retire the Barnstable SPS	Nov-21	4
1728	Build a new 115 kV line from Carver to Kingston substations and add a new Carver terminal	Aug-23	4
1729	Install a new bay position at Kingston substation to accommodate new 115 kV line	Aug-23	4
1730	Extend the 114 line from the Eversource/National Grid border to the Industrial Park Tap	Dec-25	2



SEMA/RI Reliability Projects, cont.

Status as of 11/23/2024

Project Benefit: Addresses system needs in the Southeast Massachusetts/Rhode Island area

RSP Project List ID	Upgrade	Expected/ Actual In-Service	Present Stage
1731	Install 35.3 MVAR capacitors at High Hill and Wing Lane substations	Dec-21	4
1732	Loop the 201-502 line into the Medway substation to form the 201-502N and 201-502S lines	Dec-25	3
1733	Separate the 325/344 DCT lines from West Medway to West Walpole substations	Cancelled**	N/A
1734	Reconductor and upgrade the 112 Line from the Tremont substation to the Industrial Tap	Jun-18	4
1736	Reconductor the 108 line from Bourne substation to Horse Pond Tap*	Oct-18	4
1737	Replace disconnect switches on 323 line at West Medway substation and replace 8 line structures	Aug-20	4

* Does not include the reconductoring work over the Cape Cod canal

** Cancelled per ISO-NE PAC presentation on August 27, 2020

SEMA/RI Reliability Projects, cont.

Status as of 11/23/2024

Project Benefit: Addresses system needs in the Southeast Massachusetts/Rhode Island area

RSP Project List ID	Upgrade	Expected/Actual In-Service	Present Stage
1741	Rebuild the Middleborough Gas and Electric portion of the E1 line from Bridgewater to Middleborough	Apr-19	4
1782	Reconductor the J16S line	May 22	4
1724	Replace the Kent County 345/115 kV transformer	Mar-22	4
1789	West Medway 345 kV circuit breaker upgrades	Apr-21	4
1790	Medway 115 kV circuit breaker replacements	Nov-20	4



Eastern CT Reliability Projects

Status as of 11/23/2024

Project Benefit: Addresses system needs in the Eastern Connecticut area

RSP Project List ID	Upgrade	Expected/ Actual In-Service	Present Stage
1815	Reconductor the L190-4 and L190-5 line sections	Jan-25	3
1850	Install a second 345/115 kV autotransformer (4X) and one 345 kV breaker at Card substation	Dec-22	4
1851	Upgrade Card 115 kV to BPS standards	Dec-22	4
1852	Install one 115 kV circuit breaker in series with Card substation 4T	Feb-23	4
1853	Convert Gales Ferry substation from 69 kV to 115 kV	Nov-23	4
1854	Rebuild the 100 Line from Montville to Gales Ferry to allow operation at 115 kV	Jun-23	4



Eastern CT Reliability Projects, cont.

Status as of 11/23/2024

Project Benefit: Addresses system needs in the Eastern Connecticut area

RSP Project List ID	Upgrade	Expected/ Actual In-Service	Present Stage
1855	Re-terminate the 100 Line at Montville station and associated work. Energize the 100 Line at 115 kV	Jun-23	4
1856	Rebuild 400-1 Line section to allow operation at 115 kV (Tunnel to Ledyard Jct.)	Feb-23	4
1857	Add one 115 kV circuit breaker and re-terminate the 400-1 line section into Tunnel substation. Energize 400 Line at 115 kV	Feb-23	4
1858	Rebuild 400-2 Line section to allow operation at 115 kV (Ledyard Jct. to Border Bus with CMEEC)	Sept-22	4
1859	Rebuild the 400-3 Line Section to allow operation at 115 kV (Gales Ferry to Ledyard Jct.)	Feb-23	4
1860	Install a 25.2 MVAR 115 kV capacitor and one capacitor breaker at Killingly	Dec-21	4

Eastern CT Reliability Projects, cont.

Status as of 11/23/2024

Project Benefit: Addresses system needs in the Eastern Connecticut area

RSP Project List ID	Upgrade	Expected/ Actual In-Service	Present Stage
1861	Install one 345 kV series breaker with the Montville 1T	Nov-21	4
1862	Install a +55/-29 MVAR synchronous condenser with two 115 kV breakers at Shunock	Dec-23	4
1863	Install a 1% series reactor with bypass switch at Mystic, CT on the 1465 Line	Mar-22	4
1864	Convert the 400-2 Line Section to 115 kV (Border Bus to Buddington)	Feb-23	4
1904	Convert 69 kV equipment at Buddington to 115 kV to facilitate the conversion of the 400-2 line to 115 kV	Dec-23	4



New Hampshire Solution Projects

Status as of 11/23/2024

Project Benefit: Addresses system needs in the New Hampshire area

RSP Project List ID	Upgrade	Expected/Actual In-Service	Present Stage
1878	Install a +55/-32.2 MVAR synchronous condenser at N. Keene 115 kV Substation with a 115 kV breaker	Jun-25	3
1879	Install a +55/-32.2 MVAR synchronous condenser at Huckins Hill 115 kV Substation with a 115 kV breaker	Oct-24	4
1880	Install a +127/-50 MVAR synchronous condenser at Amherst 345 kV Substation with two 345 kV breakers	Dec 24	3
1881	Install two 50 MVAR capacitors on Line 363 near Seabrook Station with three 345 kV breakers	Oct-23	4



Upper Maine Solution Projects

Status as of 11/23/2024

Project Benefit: Addresses system needs in the Upper Maine area

RSP Project List ID	Upgrade	Expected/ Actual In-Service	Present Stage
1882	Rebuild 21.7 miles of the existing 115 kV line Section 80 Highland-Coopers Mills 115 kV line	Aug-24	4
1883	Convert the Highland 115 kV substation to an eight breaker, breaker-and-a-half configuration with a bus connected 115/34.5 kV transformer	Jul-28	1
1884	Install a 15 MVAR capacitor at Belfast 115 kV substation	Jul-28	1
1885	Install a +50/-25 MVAR synchronous condenser at Highland 115 kV substation	Jul-28	1
1886	Install +50/-25 MVAR synchronous condenser at Boggy Brook 115 kV substation, and install a new 115 kV breaker to separate Line 67 from the proposed solution elements	Nov-24	3



Upper Maine Solution Projects, cont.

Status as of 11/23/2024

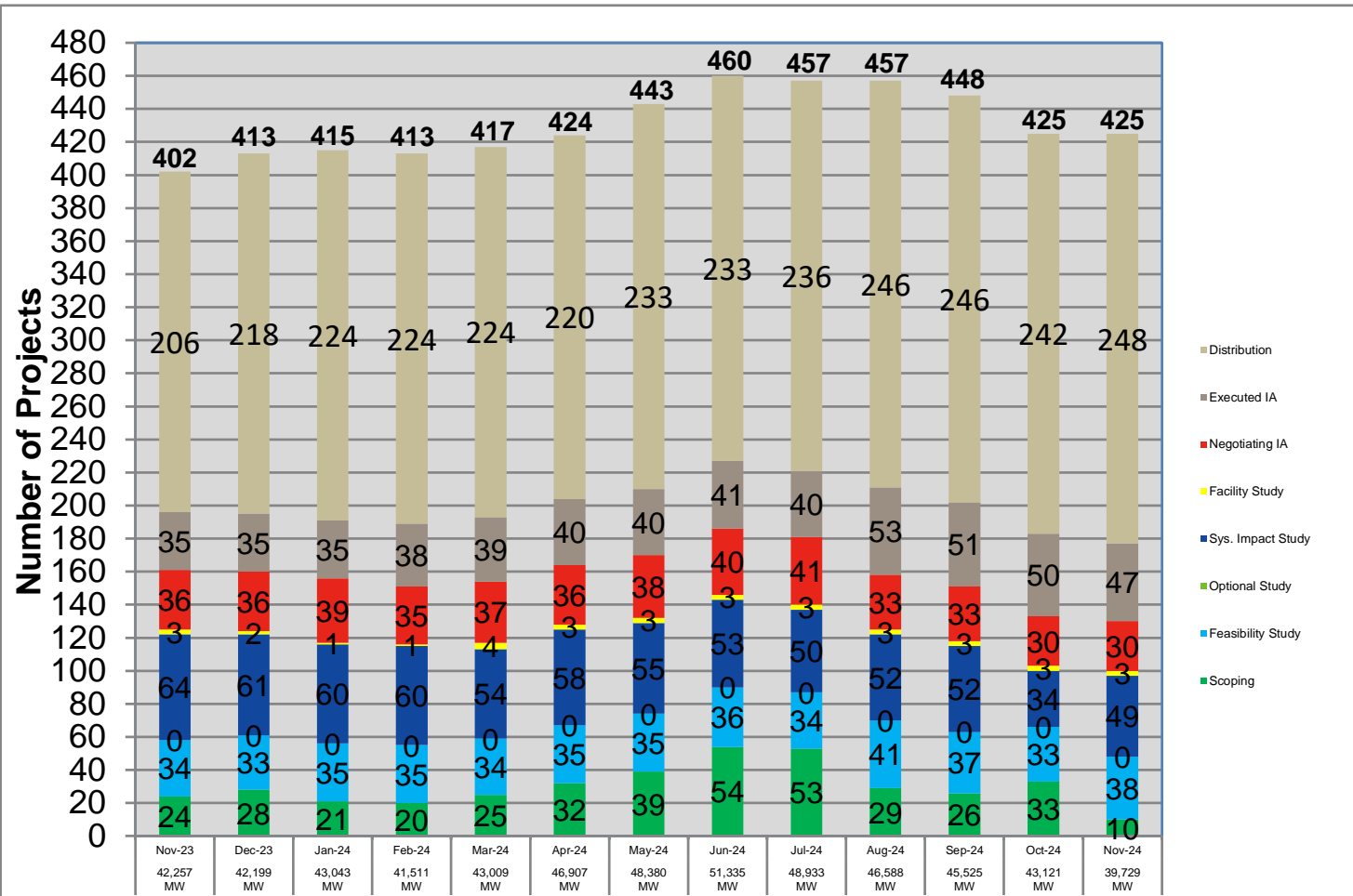
Project Benefit: Addresses system needs in the Upper Maine area

RSP Project List ID	Upgrade	Expected/ Actual In-Service	Present Stage
1887	Install 25 MVAR reactor at Boggy Brook 115 kV substation	Nov-24	3
1888	Install 10 MVAR reactor at Keene Road 115 kV substation	Jul-24	4
1889	Install three remotely monitored and controlled switches to split the existing Orrington reactors between the two Orrington 345/115 kV autotransformers	Cancelled *	N/A
1914	Install a new 80 MVAR reactor, reconfigure the existing two reactors at the 345 kV Orrington substation	Dec-25	2

* Cancelled per the Upper Maine Solutions Study Addendum that was published on January 11, 2024



Status of Tariff Studies as of December 1, 2024



Generator Project Status

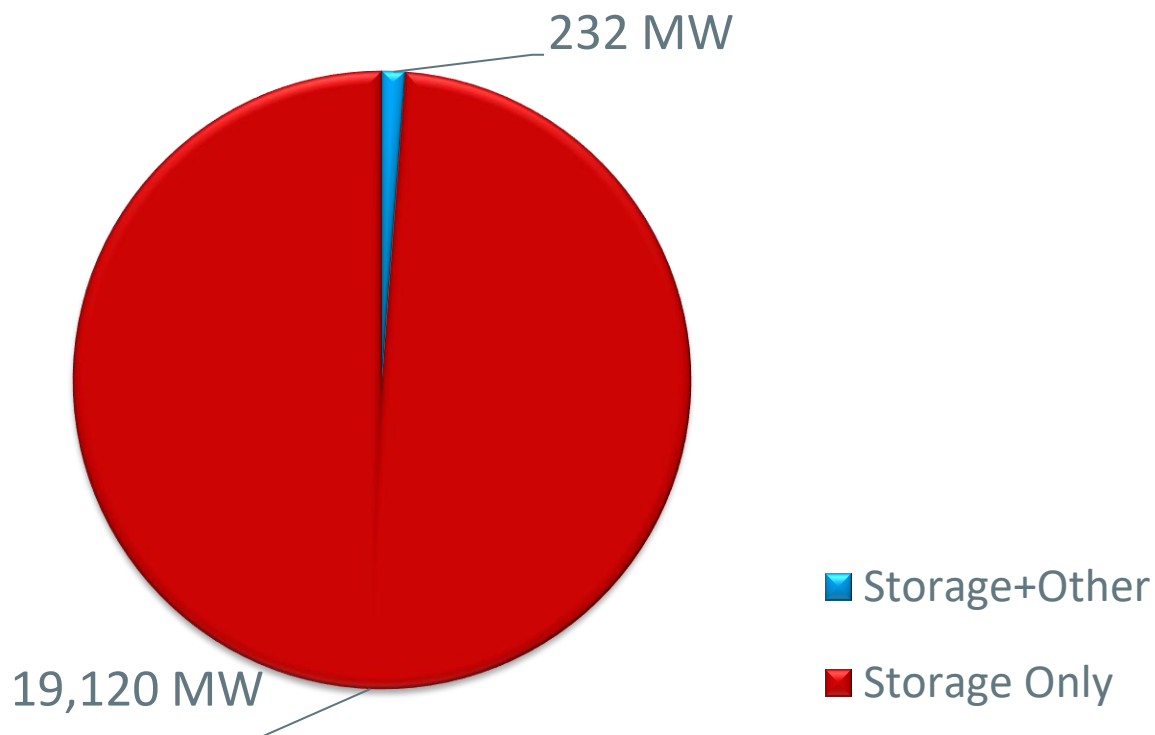
5 ETUs in Scoping, 3 in FS, 1 in SIS, 0 in OIS, 0 in FAC, 1 Negotiating IA, and 4 with Executed IA

Transmission Service Requests needing study: 0

<https://irtt.iso-ne.com/external.aspx>

What is in the Queue (as of December 1, 2024)

Storage Projects are proposed as stand-alone storage or as co-located with wind or solar projects



OPERABLE CAPACITY ANALYSIS

Winter 2024/25 Analysis



Winter 2024/25 Operable Capacity Analysis

50/50 Load Forecast (Reference)	Dec - 2024 ² CSO (MW)	Dec - 2024 ² SCC (MW)
Operable Capacity MW ¹	27,698	29,952
Active Demand Capacity Resource (+) ⁵	331	340
External Node Available Net Capacity, CSO imports minus firm capacity exports (+)	1,596	1,596
Non Commercial Capacity (+)	16	16
Non Gas-fired Planned Outage MW (-)	3	428
Gas Generator Outages MW (-)	0	91
Allowance for Unplanned Outages (-) ⁴	3,200	3,200
Generation at Risk Due to Gas Supply (-) ³	3,733	4,050
Net Capacity (NET OPCAP SUPPLY MW)	22,705	24,135
Peak Load Forecast MW (adjusted for Other Demand Resources) ²	19,849	19,849
Operating Reserve Requirement MW	2,125	2,125
Operable Capacity Required (NET LOAD OBLIGATION MW)	21,974	21,974
Operable Capacity Margin	731	2,161

¹Operable Capacity is based on data as of **Nov 21, 2024** and does not include Capacity associated with Settlement Only Generators, Passive and Active Demand Response, and external capacity. The Capacity Supply Obligation (CSO) and Seasonal Claim Capability (SCC) values are based on data as of **Nov 21, 2024**.

² Load forecast that is based on the 2024 CELT report and represents the week with the lowest Operable Capacity Margin, week beginning **Dec 28, 2024**.

³ Total of (Gas at Risk MW) – (Gas Gen Outages MW).

⁴ Allowance For Unplanned Outage MW is based on the month corresponding to the day with the lowest Operable Capacity Margin for the week.

⁵ Active Demand Capacity Resources (ADCRs) can participate in the Forward Capacity Market (FCM), have the ability to obtain a CSO and also participate in the Day-Ahead and Real-Time Energy Markets.

Winter 2024/25 Operable Capacity Analysis

90/10 Load Forecast	Dec - 2024 ² CSO (MW)	Dec - 2024 ² SCC (MW)
Operable Capacity MW ¹	27,698	29,952
Active Demand Capacity Resource (+) ⁵	331	340
External Node Available Net Capacity, CSO imports minus firm capacity exports (+)	1,596	1,596
Non Commercial Capacity (+)	16	16
Non Gas-fired Planned Outage MW (-)	3	428
Gas Generator Outages MW (-)	0	91
Allowance for Unplanned Outages (-) ⁴	3,200	3,200
Generation at Risk Due to Gas Supply (-) ³	4,408	4,824
Net Capacity (NET OPCAP SUPPLY MW)	22,030	23,361
Peak Load Forecast MW (adjusted for Other Demand Resources) ²	20,613	20,613
Operating Reserve Requirement MW	2,125	2,125
Operable Capacity Required (NET LOAD OBLIGATION MW)	22,738	22,738
Operable Capacity Margin	-708	623

¹ Operable Capacity is based on data as of **Nov 21, 2024** and does not include Capacity associated with Settlement Only Generators, Passive and Active Demand Response, and external capacity. The Capacity Supply Obligation (CSO) and Seasonal Claim Capability (SCC) values are based on data as of **Nov 21, 2024**.

² Load forecast that is based on the 2024 CELT report and represents the week with the lowest Operable Capacity Margin, week beginning **Dec 28, 2024**.

³ Total of (Gas at Risk MW) – (Gas Gen Outages MW).

⁴ Allowance For Unplanned Outage MW is based on the month corresponding to the day with the lowest Operable Capacity Margin for the week.

⁵ Active Demand Capacity Resources (ADCRs) can participate in the Forward Capacity Market (FCM), have the ability to obtain a CSO and also participate in the Day-Ahead and Real-Time Energy Markets.

Winter 2024/25 Operable Capacity Analysis

50/50 Forecast (Reference)

ISO-NE OPERABLE CAPACITY ANALYSIS

November 21, 2024 - 50-50 FORECAST using CSO MW

This analysis is a tabulation of weekly assessments shown in one single table. The information shows the operable capacity situation under assumed conditions for each week. It is not expected that the system peak will occur every week from December through March.

Report created: 11/21/2024

Study Week (Week Beginning , Saturday)	CSO Supply Resource Capacity MW	CSO Demand Resource Capacity MW	External Node Capacity MW	Non-Commercial Capacity MW	CSO Non Gas- Only Generator Planned Outages MW	CSO Gas-Only Generator Planned Outages MW	Unplanned Outages Allowance MW	CSO Generation at Risk Due to Gas Supply 50- 50PLE MW	CSO Net Available Capacity MW	Peak Load Forecast 50- 50PLE MW	Operating Reserve Requirement MW	CSO Net Required Capacity MW	CSO Operable Capacity Margin MW	Season Min Opcap Margin Flag	Season_Label
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
12/7/2024	27698	331	1596	16	1131	843	3200	1525	22942	19506	2125	21631	1311	N	Winter 2024/2025
12/14/2024	27698	331	1596	16	232	84	3200	2661	23464	19517	2125	21642	1822	N	Winter 2024/2025
12/21/2024	27698	331	1596	16	172	84	3200	3050	23135	19578	2125	21703	1432	N	Winter 2024/2025
12/28/2024	27698	331	1596	16	3	0	3200	3733	22705	19849	2125	21974	731	Y	Winter 2024/2025
1/4/2025	27919	427	1161	293	28	30	2800	3698	23244	20308	2125	22433	811	N	Winter 2024/2025
1/11/2025	27919	427	1161	293	118	30	2800	3553	23299	20308	2125	22433	866	N	Winter 2024/2025
1/18/2025	27919	427	1161	293	48	30	2800	3104	23818	20308	2125	22433	1385	N	Winter 2024/2025
1/25/2025	27919	427	1161	293	20	30	2800	2805	24145	20088	2125	22213	1932	N	Winter 2024/2025
2/1/2025	27919	427	1161	293	63	46	3100	2490	24101	19824	2125	21949	2152	N	Winter 2024/2025
2/8/2025	27919	427	1161	293	42	46	3100	2191	24421	19796	2125	21921	2500	N	Winter 2024/2025
2/15/2025	27919	427	1161	293	42	46	3100	1742	24870	19536	2125	21661	3209	N	Winter 2024/2025
2/22/2025	27919	427	1161	293	21	46	3100	1443	25190	18560	2125	20685	4505	N	Winter 2024/2025
3/1/2025	27919	427	1161	293	139	546	2200	0	26915	18215	2125	20340	6575	N	Winter 2024/2025
3/8/2025	27919	427	1161	293	140	790	2200	0	26670	18022	2125	20147	6523	N	Winter 2024/2025
3/15/2025	27919	427	1161	293	119	790	2200	0	26691	17661	2125	19786	6905	N	Winter 2024/2025
3/22/2025	27919	427	1161	293	677	909	2200	0	26014	17103	2125	19238	6786	N	Winter 2024/2025
3/29/2025	27711	426	1161	293	1297	1387	2700	0	24207	16516	2125	18641	5566	N	Winter 2024/2025

Column Definitions

- CSO Supply Resource Capacity MW:** Summation of all resource Capacity supply Obligations (CSO). Does not include Settlement Only Generators (SOG).
- CSO Demand Resource Capacity MW:** Demand resources known as Real-Time Demand Response (RTDR) will become Active Demand Capacity Resources (ADCRs) and can participate in the Forward Capacity market (FCM). These resources will have the ability to obtain a CSO and also participate in the Day-Ahead and Real-Time Energy Markets.
- External Node Capacity MW:** Sum of external Capacity Supply Obligations (CSO) imports and exports.
- Non-Commercial capacity MW:** New resources and generator improvements that have acquired a CSO but have not become commercial.
- CSO Non Gas-Only Generator Planned Outages MW:** All Non-Gas Planned Outages is the total of Non Gas-fired Generator/DARD Outages for the period. This value would also include any known long-term Non Gas-fired Forced Outages.Outages.
- CSO Gas-Only Generator Planned Outages MW:** All Planned Gas-fired generation outage for the period. This value would also include any known long-term Gas-fired Forced Outages.
- Unplanned Outage Allowance MW:** Forced Outages and Maintenance Outages scheduled less than 14 days in advance per ISO New England Operating Procedure No. 5 Appendix A.
- CSO Generation at Risk Due to Gas Supply MW:** Gas fired capacity expected to be at risk during cold weather conditions or gas pipeline maintenance outages.
- CSO Net Available Capacity MW:** the summation of columns (1+2+3+4-5-6-7-8-9)
- Peak Load Forecast MW:** Provided in the annual 2024 CELT Report and adjusted for Passive Demand Resources assumes Peak Load Exposure (PLE) and does include credit of Passive Demand Response (PDR) and behind-the-meter PV (BTM PV).
- Operating Reserve Requirement MW:** 120% of first largest contingency plus 50% of the second largest contingency.
- CSO Net Required Capacity MW:** (Net Load Obligation) (10+11=12)
- CSO Operable Capacity Margin MW:** CSO Net Available Capacity MW minus CSO Net Required Capacity MW (9-12=13)
- Operable Capacity Season Label:** Applicable season and year.
- Season Minimum Operable Capacity Flag:** this column indicates whether or not a week has the lowest capacity margin for its applicable season.

Winter 2024/25 Operable Capacity Analysis

90/10 Forecast

ISO-NE OPERABLE CAPACITY ANALYSIS November 21, 2024 - 90/10 FORECAST using CSO MW

This analysis is a tabulation of weekly assessments shown in one single table. The information shows the operable capacity situation under assumed conditions for each week. It is not expected that the system peak will occur every week from December through March.

Report created: 11/21/2024

Study Week (Week Beginning , Saturday)	CSO Supply Resource Capacity MW	CSO Demand Resource Capacity MW	External Node Capacity MW	Non-Commercial Capacity MW	CSO Non Gas- Only Generator Planned Outages MW	CSO Gas-Only Generator Planned Outages MW	Unplanned Outages Allowance MW	CSO Generation at Risk Due to Gas Supply 90- 10PLE MW	CSO Net Available Capacity MW	Peak Load Forecast 90- 10PLE MW	Operating Reserve Requirement MW	CSO Net Required Capacity MW	CSO Operable Capacity Margin MW	Season Min Opcap Margin Flag	Season_Label
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
12/7/2024	27698	331	1596	16	1131	843	3200	2512	21955	20258	2125	22383	-428	N	Winter 2024/2025
12/14/2024	27698	331	1596	16	232	84	3200	3780	22345	20270	2125	22395	-50	N	Winter 2024/2025
12/21/2024	27698	331	1596	16	172	84	3200	4196	21989	20333	2125	22458	-469	N	Winter 2024/2025
12/28/2024	27698	331	1596	16	3	0	3200	4408	22030	20613	2125	22738	-708	N	Winter 2024/2025
1/4/2025	27919	427	1161	293	28	30	2800	4509	22433	21089	2125	23214	-781	Y	Winter 2024/2025
1/11/2025	27919	427	1161	293	118	30	2800	4301	22551	21089	2125	23214	-663	N	Winter 2024/2025
1/18/2025	27919	427	1161	293	48	30	2800	4002	22920	21089	2125	23214	-294	N	Winter 2024/2025
1/25/2025	27919	427	1161	293	20	30	2800	4002	22948	20862	2125	22987	-39	N	Winter 2024/2025
2/1/2025	27919	427	1161	293	63	46	3100	3537	23054	20588	2125	22713	341	N	Winter 2024/2025
2/8/2025	27919	427	1161	293	42	46	3100	3238	23374	20559	2125	22684	690	N	Winter 2024/2025
2/15/2025	27919	427	1161	293	42	46	3100	2640	23972	20290	2125	22415	1557	N	Winter 2024/2025
2/22/2025	27919	427	1161	293	21	46	3100	2191	24442	19279	2125	21404	3038	N	Winter 2024/2025
3/1/2025	27919	427	1161	293	139	213	2200	1098	26150	18922	2125	21047	5103	N	Winter 2024/2025
3/8/2025	27919	427	1161	293	140	790	2200	416	26254	18722	2125	20847	5407	N	Winter 2024/2025
3/15/2025	27919	427	1161	293	119	790	2200	0	26691	18348	2125	20473	6218	N	Winter 2024/2025
3/22/2025	27919	427	1161	293	677	909	2200	0	26014	17770	2125	19895	6119	N	Winter 2024/2025
3/29/2025	27711	426	1161	293	1297	1387	2700	0	24207	17166	2125	19291	4916	N	Winter 2024/2025

Column Definitions

- CSO Supply Resource Capacity MW:** Summation of all resource Capacity supply Obligations (CSO). Does not include Settlement Only Generators (SOG).
- CSO Demand Resource Capacity MW:** Demand resources known as Real-Time Demand Response (RTDR) will become Active Demand Capacity Resources (ADCRs) and can participate in the Forward Capacity market (FCM). These resources will have the ability to obtain a CSO and also participate in the Day-Ahead and Real-Time Energy Markets.
- External Node Capacity MW:** Sum of external Capacity Supply Obligations (CSO) imports and exports.
- Non-Commercial capacity MW:** New resources and generator improvements that have acquired a CSO but have not become commercial.
- CSO Non Gas-Only Generator Planned Outages MW:** All Non-Gas Planned Outages is the total of Non Gas-fired Generator/DARD Outages for the period. This value would also include any known long-term Non Gas-fired Forced Outages.
- CSO Gas-Only Generator Planned Outages MW:** All Planned Gas-fired generation outage for the period. This value would also include any known long-term Gas-fired Forced Outages.
- Unplanned Outage Allowance MW:** Forced Outages and Maintenance Outages scheduled less than 14 days in advance per ISO New England Operating Procedure No. 5 Appendix A.
- CSO Generation at Risk Due to Gas Supply MW:** Gas fired capacity expected to be at risk during cold weather conditions or gas pipeline maintenance outages.
- CSO Net Available Capacity MW:** the summation of columns (1+2+3+4-5-6-7-8=9)
- Peak Load Forecast MW:** Provided in the annual 2024 CELT Report and adjusted for Passive Demand Resources assumes Peak Load Exposure (PLE) and does include credit of Passive Demand Response (PDR) and behind-the-meter PV (BTM PV).
- Operating Reserve Requirement MW:** 120% of first largest contingency plus 50% of the second largest contingency.
- CSO Net Required Capacity MW:** (Net Load Obligation) (10+11=12)
- CSO Operable Capacity Margin MW:** CSO Net Available Capacity MW minus CSO Net Required Capacity MW (9-12=13)
- Operable Capacity Season Label:** Applicable season and year.
- Season Minimum Operable Capacity Flag:** this column indicates whether or not a week has the lowest capacity margin for its applicable season.

*Highlighted week is based on the week determined by the 50/50 Load Forecast Reference week

Possible Relief Under OP4: Appendix A

OP 4 Action Number	Page 1 of 2 Action Description	Amount Assumed Obtainable Under OP 4 (MW)
1	Implement Power Caution and advise Resources with a CSO to prepare to provide capacity and notify "Settlement Only" generators with a CSO to monitor reserve pricing to meet those obligations. Begin to allow the depletion of 30-minute reserve.	0 ¹ 600
2	Declare Energy Emergency Alert (EEA) Level 1 ⁴	0
3	Voluntary Load Curtailment of Market Participants' facilities.	40 ²
4	Implement Power Watch	0
5	Schedule Emergency Energy Transactions and arrange to purchase Control Area-to-Control Area Emergency	1,000
6	Voltage Reduction requiring > 10 minutes	125 ³

NOTES:

1. Based on Summer Ratings. Assumes 25% of total MW Settlement Only units <5 MW will be available and respond.
2. The actual load relief obtained is highly dependent on circumstances surrounding the appeals, including timing and the amount of advanced notice that can be given.
3. The MW values are based on a 25,000 MW system load and verified by the most recent voltage reduction test.
4. EEA Levels are described in Attachment 1 to NERC Reliability Standard EOP-011 - Emergency Operations



Possible Relief Under OP4: Appendix A

OP 4 Action Number	Page 2 of 2 Action Description	Amount Assumed Obtainable Under OP 4 (MW)
7	Request generating resources not subject to a Capacity Supply Obligation to voluntarily provide energy for reliability purposes	0
8	5% Voltage Reduction requiring 10 minutes or less	250 ³
9	Transmission Customer Generation Not Contractually Available to Market Participants during a Capacity Deficiency. Voluntary Load Curtailment by Large Industrial and Commercial Customers.	5 200 ²
10	Radio and TV Appeals for Voluntary Load Curtailment Implement Power Warning	200 ²
11	Request State Governors to Reinforce Power Warning Appeals.	100 ²
Total		2,520

NOTES:

1. Based on Summer Ratings. Assumes 25% of total MW Settlement Only units <5 MW will be available and respond.
2. The actual load relief obtained is highly dependent on circumstances surrounding the appeals, including timing and the amount of advanced notice that can be given.
3. The MW values are based on a 25,000 MW system load and verified by the most recent voltage reduction test.
4. EEA Levels are described in Attachment 1 to NERC Reliability Standard EOP-011 - Emergency Operations



6

2024 Annual Report



December 5, 2024
Annual Meeting

7

2025 Participants Committee Officers



66.67%

To elect NEPOOL Participants Committee Officers for 2025.

RESOLVED, that the Participants Committee hereby adopts and ratifies the results of the election held in accordance with Section 4.6 of the Bylaws and elects the following individuals for 2025 to the offices set forth opposite their names to serve until their successors are elected and qualified:

Chair	Sarah Bresolin
Vice-Chair	Jackie Bihrlle
Vice-Chair	Dave Cavanaugh
Vice-Chair	Michelle Gardner
Vice-Chair	Aleks Mitreski
Vice-Chair	Dave Norman
Secretary	Sebastian Lombardi
Asst. Secretary	Pat Gerity

**NEW ENGLAND POWER POOL
PARTICIPANTS COMMITTEE MEETING**

December 5, 2024

RESOLUTION REGARDING ELECTION OF OFFICERS FOR 2025

WHEREAS, Section 4.6 of the Participants Committee Bylaws sets forth procedures for the nomination and election of a Chair and Vice-Chairs of the Participants Committee; and

WHEREAS, pursuant to those procedures the individuals indentified in the following resolution were nominated and elected for 2025 to the offices of Chair and Vice-Chair, as set forth opposite their names; and

WHEREAS Section 7.1 of the Second Restated NEPOOL Agreement provides that officers be elected at the annual meeting of the Participants Committee.

NOW, THEREFORE, IT IS

RESOLVED, that the Participants Committee hereby adopts and ratifies the results of the election held in accordance with Section 4.6 of the Bylaws and elects the following individuals for 2025 to the offices set forth opposite their names to serve until their successors are elected and qualified:

Chair	Sarah Bresolin
Vice-Chair	Jackie Bihrlle
Vice-Chair	Dave Cavanaugh
Vice-Chair	Michelle Gardner
Vice-Chair	Aleks Mitreski
Vice-Chair	Dave Norman
Secretary	Sebastian Lombardi
Assistant Secretary	Pat Gerity

8

NEPOOL 2025 Budget Projection



66.67%

To adopt a NEPOOL Budget for 2025.

RESOLVED, that the Participants Committee adopts the estimated NEPOOL expense budget for 2025 as presented at this meeting.

MEMORANDUM

TO: NEPOOL Participants Committee Members and Alternates

FROM: Tom Kaslow, Chair, NEPOOL Budget & Finance Subcommittee
Rosendo Garza, NEPOOL Counsel

DATE: November 29, 2024

RE: Estimated Budget for 2025 Participant Expenses

At its December 5 meeting, the Participants Committee will be asked to approve the estimated NEPOOL expense budget for 2025 (the 2025 Budget), included as Attachment A. As in prior years, the proposed 2025 Budget estimates are compared to the current-year estimated expenses approved by the Participants Committee at its last annual meeting and the current forecast of actual expenses for this year. Also, an estimated calculation of the per-Participant share of the 2025 Budget expenses are compared to 2024 per-Participant shares of expenses, as shown in Attachment B. Impacted by the number of members over which expenses are allocated, 2025 per-Participant expenses are projected, when compared to 2024 numbers, to generally decrease for all Participants. Those in the Generation or Supplier Sectors or those with an individual vote in the AR Sector's Renewable Generation Sub-Sector will see an approximate 2.1% decrease in annual expenses; Participants in the Transmission and Publicly Owned Entity Sectors, a 0.3% decrease.

Consistent with previous years' practice, NEPOOL Counsel, the GIS Administrator, the ISO, and NEPOOL's Independent Financial Advisor worked together to develop the recommended 2025 Budget. The NEPOOL Budget & Finance Subcommittee discussed the proposed 2025 Budget at its November 22 meeting, and no objections were raised at that meeting.

The following form of resolution may be used in acting on the 2025 Budget:

RESOLVED, that the Participants Committee adopts the estimated NEPOOL expense budget for 2025 as presented at this meeting.

**ESTIMATED 2025 NEPOOL BUDGET COMPARED TO
 2024 NEPOOL BUDGET AND 2024 PROJECTED ACTUAL EXPENSES**

<u>Line Items</u>	<u>2024 Approved Budget</u>	<u>2025 Proposed Budget</u>	<u>2024 Current Forecast</u>
NEPOOL Counsel Fees (1)	\$ 4,350,000	\$ 4,500,000	\$ 4,350,000
NEPOOL Counsel Disbursements (1)	\$ 30,000	\$ 30,000	\$ 30,000
Independent Financial Advisor Fees and Disbursements (2)	\$ 48,000	\$ 48,000	\$ 48,000
Committee Meeting Expenses (1)	\$ 920,000	\$ 960,000	\$ 920,000
Generation Information System (4)	\$ 1,086,700	\$ 1,183,624	\$ 1,139,100
Credit Insurance Premium (3)	\$ 578,800	\$ 604,500	\$ 561,700
NEPOOL Audit Management Subcommittee (“NAMS”) Consultant (5)	\$ 0	\$ 0	\$ 0
SUBTOTAL EXPENSES	\$ 7,013,500	\$ 7,326,124	\$ 7,048,800
 <u>Revenue</u> 			
NEPOOL Membership Fees (3)	(\$ 2,300,000)	(\$ 2,500,000)	(\$ 2,419,200)
Generation Information System (4) (6)	(\$ 1,086,700)	(\$ 1,183,624)	(\$ 1,139,100)
Credit Insurance Premium (3) (7)	(\$ 578,800)	(\$ 604,500)	(\$ 561,700)
TOTAL REVENUE	(\$ 3,965,500)	(\$ 4,288,124)	(\$ 4,120,000)
TOTAL NEPOOL EXPENSES	\$ 3,048,000	\$ 3,038,000	\$ 2,928,800

Notes

- (1) 2025 proposed estimate provided by Day Pitney LLP, NEPOOL counsel, reflecting a challenging work plan in 2025 and a modest increase in billing rates.
- (2) 2025 proposed estimate provided by Michael M. Mackles, NEPOOL's Independent Financial Advisor, and reflects responsibility for reviewing meeting and travel expenses.
- (3) 2025 proposed estimate provided by ISO New England Inc.
- (4) Based on fee arrangement in Extension of and First Amendment to Amended and Restated Generation Information System Administration Agreement, pursuant to which the annualized fixed fee for 2025 is projected to be \$1,183,624, which includes \$24,000 for ISO-NE's administrative GIS-related costs. Estimate assumes NEPOOL will remain at the 120,000-129,999 tier of sum Account Holders and Generators for half the year and then increase to the 130,000-139,999 tier of sum Account Holders and Generators for the second half of the year, increasing the annual fee.

The 500 development hours included in the annual fees NEPOOL paid for 2025 are committed to the hourly tracking changes to the GIS that the NEPOOL Participants Committee approved in September 2024. Thus, based on the fee arrangement in Extension of and First Amendment to Amended and Restated Generation Information System Administration Agreement any additional approved changes to the GIS in 2025 requiring use of development hours will be billed to NEPOOL at a cost of \$180 per hour.

- (5) If NEPOOL determines that an audit should be performed in 2025, funding for that audit will be addressed separately.
- (6) GIS costs are paid by "GIS Participants" under Allocation of Costs Related to Generation Information System, which was approved by the NEPOOL Participants Committee on June 21, 2001 and amended by the NEPOOL Participants Committee on May 6, 2016.
- (7) Credit insurance premium is paid by Qualifying Market Participants according to methodology described in Section IX of the ISO New England Financial Assurance Policy.

ESTIMATED BREAKDOWN OF PROJECTED 2025 NEPOOL EXPENSE BUDGET AMONG SECTOR MEMBERS

(2024 figures as projected and budgeted at 2023 Annual Meeting)

CALCULATION OF COSTS TO BE ALLOCATED TO NEPOOL SECTORS			
		2025	2024
A.	Total Projected NEPOOL Expenses (not including costs associated with GIS, credit insurance premium, which are funded separately)	5,538,000	5,348,000
B.	Projected NEPOOL Membership Fees	2,500,000	2,300,000
C.	Total Projected NEPOOL Expenses to be Funded Through Non-Hourly Charges (A – B)	3,038,000	3,048,000
D.	Projected Amount to be paid by all Market Participant End Users (based on highest hourly load in any month in preceding calendar year) (figure used here for 2024 is based on 2023 peak loads of MPEU members)	39,625	34,785
E.	Total Amount paid by all Load Response, Distributed Generation, and Small Renewable Generation Resource Providers in AR Sector (figure used here for 2024 is estimated amount based on 2023 membership data)	103,772	84,526
F.	[Reserved]	0	0
G.	Large Renewable Generation Sub-Sector Share (C-(D+E)) x RG%	289,460	292,869
H.	Total Amount to be Allocated among Transmission, Generation, Supplier and Publicly Owned Entity Sectors (“Remaining Sectors”) (C – (D+E+G))	2,605,143	2,635,820

CALCULATION OF SECTOR ALLOCATIONS			
		2025	2024
I.	Amount to be allocated to each of the Remaining Sectors (H ÷ 4)	651,286	658,955
J.	Total Amount paid by Related Person Suppliers (3 voting members) (I ÷ s _y) x rps _y	9,238	14,643
K.	Aggregate Share to be paid by Generation Sector/Supplier Sector/ Large Renewable Generation Resource Providers ((I x 2) + G – J)	1,582,794	1,596,135
L.	[Reserved]	0	0
M.	Remainder of Aggregate Share to be paid, on a per member basis, by voting members in the Generation Sector, Supplier Sector (excluding Related Person Suppliers), and Large Renewable Generation Resource Providers (K ÷ (g _y + (s _y - rps _y) + lrg _y))	9,593	10,102
N.	Transmission Sector Share per full voting member (I ÷ t _y)	108,548	109,826
O.	[Reserved]	0	0
P.	Publicly Owned Entity Sector Member Share (assuming equal sharing of Publicly Owned Entity Sector Share Participant Expense among voting Sector members) ⁱ (I ÷ poe _y)	11,039	11,169

ANNUAL VARIABLES			
		2025	2024
s _y	# Supplier Sector voting members	141	135
rps _y	# Supplier Sector Related Person Suppliers	2	3
g _y	# Generation Sector voting members	15	15
lrg _y	# AR Sector Large Renewable Generation Resource Providers	11	11
RG%	Lesser of (lrg _y *2%) or 10%	10%	10%
t _y	# Transmission Sector voting members	6	6
poe _y	# Publicly Owned Entity voting members	59	59

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Litigation Report



EXECUTIVE SUMMARY
Status Report of Current Regulatory and Legal Proceedings
as of December 4, 2024

The following activity, as more fully described in the attached Litigation Report, has occurred since the report dated November 5, 2024 (“last Report”) was circulated. New matters/proceedings since the last Report are preceded by an asterisk ‘*’. Page numbers precede the matter description.

I. Complaints/Section 206 Proceedings

2	206 Proceeding: ISO Market Power Mitigation Rules (EL23-62)	Nov 21	FERC, having accepted the Fuel Price Adjustment changes (see Section III below), terminates this proceeding
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II. Rate, ICR, FCA, Cost Recovery Filings

* 4	ICR-Related Values and HQICCs – Annual Reconfiguration Auctions (ER25-519)	Nov 22 Nov 25 Nov 26-Dec 2	ISO-NE and NEPOOL jointly file ICR-Related Values and HQICCs for 2025/26 ARA3, 2026/27 ARA2; and 2027/28 ARA1; comment deadline Dec 13, 2024 ISO-NE files errata to Nov 22 filing Calpine, National Grid intervene
* 3	EP Newington CIP-IROL (Schedule 17) Section 205 Cost Recovery Filing (ER25-588)	Nov 27	Essential Power Newington requests recovery of \$356,401 in CIP-IROL Costs incurred between Jul 1, 2023 and Jun 30, 2024; comment deadline Dec 18, 2024
* 4	FirstLight CIP-IROL (Schedule 17) Section 205 Cost Recovery Filing (ER25-509)	Nov 21	FirstLight Power Management requests recovery of \$87,186 in CIP-IROL Costs incurred between Sep 16, 2022 and Dec 31, 2023; comment deadline Dec 12, 2024
4	Canal Marketing CIP-IROL (Schedule 17) Section 205 Cost Recovery Filing (ER25-168)	Nov 8	Public Citizen intervenes
6	Mystic 8/9 COSA (ER18-1639)		
* 6	Mystic Global Settlement (ER18-1639-029)	Nov 8 Nov 18 Nov 27 Dec 4	Mystic submits Global Settlement to resolve all remaining issues related to the Mystic COSA; reply comments due Dec 9, 2024 Settlement Judge French issues 6 th status report, recommending settlement judge procedures continue FERC Trial Staff submit initial comments supporting Global Settlement Settlement Judge French issues 7 th and final status report, recommending settlement judge procedures be terminated
7	Mystic COSA ROE Settlement Agreement Tariff Records (ER25-584; ER24-2804)	Nov 27	Mystic submits tariff records reflecting a settled ROE of 9.0% for the Mystic COSA

III. Market Rule and Information Policy Changes, Interpretations and Waiver Requests

* 8	DASI Effective Date Change (to Feb 28, 2025) (ER25-456)	Nov 15 Nov 18-Dec 2	ISO-NE files to change DASI effective date from Mar 1, 2025 to Feb 28, 2025 Calpine, National Grid intervene
8	Settlement Agreement: Withdrawal from IEP and Return of IEP Net Revenues (Canal Marketing/ Canal 3) (ER25-56; ER24-1407)	Nov 19 Nov 26 Dec 2	Settlement Judge Hurt issues 2 nd status report Settlement Judge Hurt certifies uncontested Settlement agreement to the Commission; issues 3 rd and final status report Deputy Chief ALJ terminates settlement judge procedures

10	MW-Dependent Fuel Price Adjustments (ER24-2584)	Nov 21	FERC accepts Fuel Price Adjustments, with notice of the actual effective date (projected to be <i>Nov 16, 2026</i>) to be filed no less than 15 days prior to their implementation
10	New England's Order 2222 Compliance Filings (ER22-983)	Nov 19	FERC accepts ATTR Submetering Tariff Revisions, eff. <i>Nov 1, 2026</i>

IV. OATT Amendments / TOAs / Coordination Agreements

* 11	PBOP Collections Report (New England Power) (ER25-510)	Nov 22	NEP files revisions to Appendix A to Attachment F to report on an over-recovery of transmission-related PBOP expenses; comment deadline Dec 13, 2024
* 12	Attachment C and Q Revisions (ER25-410)	Nov 12 Nov 18	ISO-NE and NEPOOL propose revisions to OATT Attachments C (Available Transfer Capability Methodology) and Attachment Q (Transmission Line Ratings) Calpine, National Grid intervene
12	<i>Order 2023</i> Compliance Revisions (ER24-2009) and Related Changes (ER24-2007)	Nov 12 Nov 13 Nov 18 Nov 25	Allco files supplemental answer to ISO-NE's Oct 18 answer ISO-NE answers Allco's Nov 12 answer Allco answers ISO-NE's Nov 13 answer NESCOE urges the FERC to act swiftly on the region's <i>Order 2023</i> compliance proposal
14	Phase I/II HVDC-TF <i>Order 881</i> Compliance Filing (Transmission Line Rating Calculation and Submittal Timeframe Implement'n Details): HVDC TOA (ER22-2467-001) and Sched. 20-A Common Attachment M (ER22-2468-001)	Nov 12 Nov 19 Nov 22	ISO-NE, Asset Owners and Schedule 20A Service Providers request 14-day extension of time, to Nov 26, 2024, to submit required compliance filing FERC grants requested extension of time ISO-NE, Asset Owners and the Schedule 20A Service Providers jointly submit compliance filing to provide implementation details regarding the calculation and submittal timeframes for ambient-adjusted ratings; comment deadline Dec 13, 2024
14	<i>Order 881</i> Compliance Filing (Trans. Line Rating Calc. and Submittal Timeframe Implement'n Details) (ER22-2357-002)	Nov 12	ISO-NE and PTO AC jointly submit implementation details regarding the calculation and submittal timeframes for Transmission Line Ratings as required by <i>Order 881</i>

V. Financial Assurance/Billing Policy Amendments

14	FAP Revisions to Mitigate Risk of PFP Penalty Payment Defaults (ER24-3071)	Nov 15	ISO-NE answers NEPGA Nov 5 answer
15	Updates to Non-Commercial Capacity FA Multiplier (ER24-3040)	Nov 12	FERC accepts NCCFA Updates, eff. <i>Nov 13, 2024</i>

VI. Schedule 20/21/22/23 Changes & Agreements

* 15	Schedule 21-ES: Essential Power MA/NSTAR/ISO-NE LSA (ER25-429)	Nov 14	NSTAR and ISO-NE file LSA for local point-to-point service to the West Springfield Project; comment deadline Dec 5, 2024
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VII. NEPOOL Agreement/Participants Agreement Amendments

No Activities to Report

VIII. Regional Reports

* 18	IMM Quarterly Markets Reports (ZZ24-4)	Nov 25	IMM files Summer 2024 Report
18	Interconnection Study Metrics Processing Time Exceedance Report 2024 Q3 (ER19-1951)	Nov 14	ISO-NE files 2024 Q3 Report
* 19	ISO-NE FERC Form 3Q (2024/Q3) (not docketed)	Nov 18	ISO-NE submits its 2024 Q3 FERC Form 3Q

IX. Membership Filings

19	Oct 2024 Membership Filing (ER24-3139)	Nov 27	FERC accepts: (i) the memberships of Castleton Commodities Energy Services LLC; Castleton Commodities Energy Trading LLC; Alan Sliski; and Stony Creek Energy LLC; and (ii) the termination of the Participant status of Gas Recovery Systems
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X. Misc. - ERO Rules, Filings; Reliability Standards

20	Revised Reliability Standard: PRC-030-1 (RD25-3)	Nov 12-Dec 2	ACPA, Calpine, Eversource, Orsted Wind, SEIA, NCEMC intervene
20	Revised Reliability Standards: PRC-028-1 and PRC-002-5 (Disturbance Monitoring) (RD25-2)	Nov 12-Dec 2	Calpine, Eversource, Invenergy Renewables, ACPA, NCEMC, Orsted Wind, SEIA intervene
20	Addition of "Inverter-Based Resource" to NERC Glossary of Terms (RD25-1)	Nov 12-Dec 2	Calpine, ACPA, Eversource, NCEMC, Orsted Wind, SEIA intervene
21	Revised Reliability Standards: PRC-029-1 and PRC-024-4 (RM25-3)	Nov 12-Dec 2	Eversource, ACPA, NCEMC, Orsted Wind, SEIA intervene
21	NOPR: CIP-015-1 (Cyber Security – Internal Network Security Monitoring) (RM24-7)	Nov 22-27	NERC , NESCOE , the IRC , APPA , Open Policy submit comments on <i>CIP-015 INSM NOPR</i>
21	NOPR: Supply Chain Risk Reliability Standards (RM24-4)	Nov 22-27	NERC and its Regional Entities , NESCOE , BPA , APPA/LPPC , EEI , North American Transmission Forum , National Electrical Manufacturers Association , Secure the Grid submit comments
22	Report of Comparisons of 2023 Budgeted to Actual Costs for NERC and the Regional Entities (RR24-3)	Nov 21	FERC accepts 2023 Comparisons Report

XI. Misc. - of Regional Interest

22	203 Application: Carlyle Group (Nautilus)/Q-Generation (Trafigura) (EC24-114)	Nov 21	FERC authorizes proposed transaction
22	TSAs: Fourth Amendments to NECEC Transmission TSAs (ER25-261 et al.)	Nov 4-12	Eversource, National Grid, MA DPU intervene
23	UI Rate Incentives Request for Fairfield to Congress 115kV Railroad Project (ER25-167)	Nov 12 Nov 26	CT OCC, ME OPA, MA AG, and NH OCA file joint protest to requested Incentives UI answers joint protest

23	Wholesale Distribution Access Tariffs – CL&P (ER24-3153) & NSTAR (ER24-3154)	Nov 27	FERC accepts CL&P and NSTAR Wholesale Distribution Access Tariffs, eff. <i>Dec 1, 2024</i>
24	CSA Cancellation: NEP/WMECO (ER24-3056)	Nov 13	FERC accepts cancellation notice for NEP/WMECO Construction Services Agreement, eff. <i>Nov 16, 2024</i>
24	Wholesale Distribution Access Tariff – UI (ER24-2939)	Nov 27	UI files deficiency letter responses; comment deadline <i>Dec 18, 2024</i>
25	PJM/PPL/Susquehanna ISA Amendments Related to Increased Co-Located Load (ER24-2172)	Nov 20 Dec 2	Susquehanna Nuclear requests reh'g of <i>Susquehanna Co-Located Load Order</i> Vistra requests clarification of <i>Susquehanna Co-Located Load Order</i>
25	Wholesale Distribution Tariffs – National Grid (ER24-2796; ER24-2795)	Nov 13	National Grid files WDT Amendments
26	CMP ESF Rate (ER24-1177)	Nov 26	Settlement Judge Hessler issues 4 th status report, recommending that settlement judge procedures continue; 4 th settlement conference is scheduled for <i>Dec 10-11, 2024</i>

XII. Misc. - Administrative & Rulemaking Proceedings



27	Large Loads Co-Located at Generating Facilities (AD24-11)	Nov 9 Dec 3	FERC issues notice inviting post-tech conf comments; comment deadline <i>Dec 9, 2024</i> Final tech conf transcript posted to eLibrary
27	Annual Reliability Technical Conference (AD24-10)	Nov 19 Nov 26, 27	Final tech conf transcript posted to eLibrary Tri-State Generation and Transmission Association and EPSA file post-tech conf comments
27	Innovations & Efficiencies in Generator Interconnection (AD24-9)	Nov 14-18	23 Entities file post-workshop comments, including by: ISO-NE, AEU, Constellation, Dominion, EEI, Elevate Renewables F7, ENGIE, Environmental Law and Policy Center, Invenergy Transmission, National Grid, New Leaf Energy, Public Interest Organizations, Vistra Corp, RWE Clean Energy, Shell, SEIA
27	Joint Federal-State Current Issues Collaborative (AD24-7)	Nov 12 Dec 4	Collaborative holds first public meeting FERC issues notice inviting public comments on issues discussed during the meeting; comment deadline <i>Jan 3, 2025</i> ; final meeting transcript posted to eLibrary
28	ANOPR: Implementation of Dynamic Line Ratings (RM24-6)	Nov 12-15	Nine sets of reply comments filed, including by: ISO-NE , DC Energy , and the US DOE
29	Order 904: Compensation for Reactive Power Within the Standard Power Factor Range (RM22-2)	Nov 15-18	D. E. Shaw Renewable Investments , Invenergy Nelson , NYISO , the PSEG Companies , Vistra request reh'g of <i>Order 904</i>
30	Orders 1920 and 1920-A: Transmission Planning Reforms (RM21-17)	Nov 21	FERC issues Order 1920-A, its order on reh'g and clarification of <i>Order 1920</i>

XIII. FERC Enforcement Proceedings



No Activity to Report

XIV. Natural Gas Proceedings

- | | | | |
|----|------------------------------------|----------|---|
| 34 | Iroquois ExC Project (CP20-48-001) | Nov 4-15 | Protests to and comments on Iroquois' request for an extension of time associated with its ExC Project filed by Sierra Club CT, Save the Sound, and nearly 20 individual citizens |
| | | Dec 2 | Iroquois answers protests and comments |

XV. State Proceedings & Federal Legislative Proceedings*No Activity to Report***XVI. Federal Courts**

- | | | | |
|----|--|------------------|---|
| 35 | <i>TO Initial Funding Show Cause Order</i>
(8 th Circuit - 24-2714) | Nov 12
Nov 13 | Petitioners, along with Petitioner-Intervenors, request case continue be held in abeyance until FERC issues a merits decision in the underlying agency proceedings
Case dismissed for lack of jurisdiction |
| 36 | Mystic Second CapEx Info Filing
(24-1077) | Nov 22 | Mystic asks Court to continue to hold case in abeyance until Mar 10, 2025 |
| 36 | <i>Orders 2023 and 2023-A</i>
(23-1282 et al.) (consolidated) | Nov 12 | NYPA withdrawn as a Petitioner |
| 37 | <i>Order 2222 Compliance Orders</i> (23-1167, 23-1168, 23-1169, 23-1170, 23-1335) (consolidated) | Dec 3 | FERC files status report suggesting that these consolidated appeals should remain in abeyance until the rehearing period for its Nov 19, 2024 order in ER22-983-009 expires |
| 38 | <i>Mystic II</i> (ROE & True-Up)
(21-1198 et al.) (consolidated) | Nov 8
Nov 20 | Petitioners move to dismiss case voluntarily
Court dismisses case |
| 39 | <i>Opinion 531-A Compliance Filing Undo</i> (20-1329) | Nov 20 | FERC files status report indicating that the proceedings before the FERC remain ongoing and that this appeal should continue to remain in abeyance |

M E M O R A N D U M

TO: NEPOOL Participants Committee Members and Alternates

FROM: Pat Gerity and Joan Bosma, NEPOOL Counsel

DATE: December 4, 2024

RE: Status Report on Current Regional Wholesale Power and Transmission Arrangements Pending Before the Regulators, Legislatures and Courts

We have summarized below the status of key ongoing proceedings relating to NEPOOL matters before the Federal Energy Regulatory Commission (“FERC”),¹ state regulatory commissions, and the Federal Courts and legislatures through December 4, 2024. If you have questions, please contact us.

I. Complaints/Section 206 Proceedings²

- **206 Proceeding: TO Initial Funding Show Cause Order (EL24-83)**

As previously reported, on June 13, 2024, the FERC instituted a Section 206 proceeding finding that the ISO-NE Tariff appears to be unjust, unreasonable, and unduly discriminatory or preferential because it includes provisions for transmission owners to unilaterally elect transmission owner (“TO”) Initial Funding (the funding of network upgrade capital costs that the TO incurs to provide interconnection service to an interconnection customer, with the network upgrade capital costs subsequently recovered from the interconnection customer through charges that provide a return on and of those network upgrade capital costs).³ TO Initial Funding, the FERC found, may increase the costs of interconnection service without corresponding improvements to that service, may unjustifiably increase costs such that it results in barriers to interconnection, and may result in undue discrimination among interconnection customers.⁴ The FERC also found that there may be no risks associated with owning, operating, and maintaining network upgrades for which transmission owners are not already otherwise compensated.⁵ Accordingly, ISO-NE was directed, on or before September 11, 2024, to either: (1) show cause as to why the Tariff remains just and reasonable and not unduly discriminatory or preferential; or (2) explain what changes to the Tariff it believes would remedy the identified concerns if the FERC were to determine that the Tariff has in fact become unjust and unreasonable or unduly discriminatory.⁶ The refund effective date for this proceeding is June 24, 2024.⁷ A more detailed summary of the *TO Initial Funding Show Cause Order* was circulated to, and was reviewed with, the Transmission Committee.

¹ Capitalized terms used but not defined in this filing are intended to have the meanings given to such terms in the Second Restated New England Power Pool Agreement (the “Second Restated NEPOOL Agreement”), the Participants Agreement, or the ISO New England Inc. (“ISO” or “ISO-NE”) Transmission, Markets and Services Tariff (the “Tariff”).

² Reporting on Base ROE Complaints I-IV: (EL11-66, EL13-33; EL14-86; EL16-64) has been suspended and will be continued if and when there is new activity to report.

³ *ISO New England Inc. et al.*, 187 FERC ¶ 61,170 (June 13, 2024) (“*TO Initial Funding Show Cause Order*”).

⁴ *Id.* at P 1.

⁵ *Id.*

⁶ *Id.* at P 2.

⁷ Notice of this 206 proceeding was published in the *Fed. Reg.* on June 24, 2024 (Vol. 89, No. 121) pp. 52,454-52,455.

Interventions were due on or before July 5, 2024 and were filed by the following New England-related parties:⁸ NEPOOL, Advanced Energy United (“AEU”), Avangrid, Calpine, CMEEC (out-of-time), EDP Renewables, Eversource, Invenergy, MA AG, National Grid, NESCOE, NextEra, NRDC, PPL, Maine Public Utilities Commission (“MPUC”), Massachusetts Department of Public Utilities (“MA DPU”), American Clean Power Association (“ACPA”), American Council on Renewable Energy (“ACRE”), Edison Electric Institute (“EEI”), Electric Power Supply Association (“EPSA”), RENEW Northeast (“RENEW”), Solar Energy Industries Association (“SEIA”), WIRES, Cordelio Services, and Public Citizen.

NE Response to Show Cause Order (Attaching Substantive Response by NETOs). On September 11, 2024, ISO-NE submitted a response (“NE Response”) explaining that, because the rules identified in the *TO Initial Funding Show Cause Order*⁹ fall within the exclusive purview of, and are implemented by, the Participating Transmission Owners (“PTOs”) under the Transmission Operating Agreement (“TOA”) between ISO-NE and the PTOs, it had requested that the PTOs respond to the *TO Initial Funding Show Cause Order* and attached the response of Indicated New England Transmission Owners (“NETOS”)¹⁰ to the NE Response. NETOs’ response identified several reasons why the FERC’s proposal is in their view beyond the FERC’s authority and power.

Responses to the September NE Response were due on or before October 25, 2024.¹¹ Responses from ISO-NE-related parties to this joint proceeding were filed by, among others: [NE TOs](#), [Invenergy](#), [Public Interest Organizations](#), [Public Systems](#), [Clean Energy Associations](#), [EEI](#), [WIRES](#), and the [Harvard Law Initiative](#). This matter is pending before the FERC.

Federal Court Appeals. On August 30, 2024, certain parties¹² filed a petition for review of the FERC’s orders in this proceeding in the 8th Circuit, since challenged by the FERC. Developments on the federal court appeals will be reported in Section XVI below. In the meantime, if you have questions on this proceeding, please contact Eric Runge (617-345-4735; ekrunge@daypitney.com) or Margaret Czepiel (202-218-3906; mczepiel@daypitney.com).

- **206 Proceeding: ISO Market Power Mitigation Rules (EL23-62)**

On November 21, 2024, the FERC terminated this Show Cause proceeding.¹³ As previously reported, this proceeding was instituted by the FERC on May 5, 2023, pursuant to its finding that the existing ISO-NE Tariff provisions related to the mechanics of its market power mitigation and the consideration of any proposed fuel price adjustment, may be unjust and unreasonable.¹⁴ Changes in response to some of the requirements of the

⁸ The notice instituting this 206 proceeding was issued in the following four unconsolidated dockets (which resulted in some parties intervening in all four proceedings): EL24-80 (MISO); EL24-81 (PJM); EL24-82 (SPP); and EL24-83 (ISO-NE).

⁹ The rules identified in the *Order to Show Cause* were those that establish the methodology to recover costs associated with interconnection-related upgrades, and the related financial obligations of the PTO or the interconnecting party – in New England, set forth in Article 11.3 of the LGIA, Article 5.2 of the SGIA, and Article 11.3 of the ETU IA, as well as Schedule 11 of the OATT.

¹⁰ The NETOs, for purposes of this proceeding, are: Eversource; Central Maine Power Company (“CMP”); The United Illuminating Company (“UI”); New England Power Company (“National Grid”); The Narragansett Electric Company (“RI Energy”); Fitchburg Gas and Electric Light Co. (“Unitil”); and Versant Power (“Versant”).

¹¹ On Oct. 8, 2024, the FERC, in response to a September 30, 2024 request by Clean Energy Associations (AEU, ACPA, SEIA) for an additional 14 days to submit responses to the ISO/RTO filings, granted an extension of time, to and including October 25, 2024, for interested parties to file comments.

¹² The parties to the 8th Circuit Appeal are: Ameren Services Co., Ameren Illinois Co., Union Elec. Co. d/b/a Ameren Missouri, Ameren Trans. Co. of IL, American Trans. Co. LLC, Duke Energy Corp., Duke Energy Business Services, LLC, Duke Energy Ohio, Inc., Duke Energy KY, Inc., Duke Energy IN, LLC, Exelon Corp., Atlantic City Elec. Co., Baltimore Gas and Elec. Co., Commonwealth Edison Co., Delmarva Power & Light Co., PECO Energy Co., Potomac Elec. Power Co., Northern Indiana Pub. Svc. Co. LLC, Xcel Energy Services Inc., Northern States Power Co., a MN Corp., Northern States Power Co., a WI Corp., and Southwestern Pub. Svc. Co. (“8th Circuit Parties”).

¹³ *ISO New England Inc. et al.*, 189 FERC ¶ 61,112 (Nov. 21, 2024) (“*Fuel Price Adjustments Order*”).

¹⁴ *Dynegy Marketing and Trade, LLC and ISO New England, Inc.*, 183 FERC ¶ 61,091 (May 5, 2023) (“*Dynegy Mitigation Order*”). In the *Dynegy Mitigation Order*, ISO-NE was directed to either: (1) show cause as to why the Tariff remains just and reasonable and not unduly

Dynegy Mitigation Order (“Upward Mitigation Revisions”) were supported by the Participants Committee, jointly filed with ISO-NE, accepted by the FERC,¹⁵ and became effective as of *December 12, 2023*. Further changes to address the remaining issues raised by the FERC in the *Dynegy Mitigation Order* were filed on July 24, 2024 (see Section III, MW-Dependent Fuel Price Adjustments (ER24-2584)), supported by the Participants Committee, and accepted by the FERC (with the actual effective date to be filed no less than 15 days prior to implementation). Reporting on this Section 206 proceeding is now concluded. If you have any questions concerning this matter, please contact Rosendo Garza (860-275-0660; rgarza@daypitney.com) or Sebastian Lombardi (860-275-0663; slombardi@daypitney.com).

- **RENEW Network Upgrades O&M Cost Allocation Complaint (EL23-16)**

The December 13, 2022 complaint by RENEW Northeast, Inc. (“RENEW”) against ISO-NE and the Participating Transmission Owners (“PTOs”), which seeks changes to the ISO-NE Tariff (Schedules 11 and 21) that would eliminate the direct assignment of Network Upgrade Operations and Maintenance (“O&M”) costs to Interconnection Customers,¹⁶ remains pending before the FERC. As previously reported, the proposed revisions to Schedule 11 of the Tariff were voted by the Transmission Committee at its October 26, 2021 meeting, and were discussed at the Participants Committee’s November 3, 2021 meeting. RENEW asked the FERC to issue an order granting the Complaint by April 14, 2023 (approximately 60 days prior to the June 15, 2023 deadline for the NE PTOs to publish a draft of the Annual Update to the data used in the transmission formula rate). Both of those dates have long since passed.

Responses, comments and protests were filed in late January 2023 by [ISO-NE](#) (which alternatively moved to dismiss itself as a party (“[ISO-NE Jan 19 Motion](#)”)), the [PTO AC](#), [NEPOOL](#), [AEU/Clean Energy Council](#), [CPV Towantic](#), [Glenvale](#), [MA AG](#), [NECOS](#), [NEPGA](#), and [NESCOE](#). Doc-less interventions only were filed by Calpine, CMEEC, EMI, Eversource, RI Energy, National Grid, New Leaf Energy, NextEra, NRG, Versant, CT DEEP, MA DPU, ACPA, SEIA, and Public Citizen. In additional rounds of briefing, [RENEW](#) answered [ISO-NE’s Jan 19 Motion](#); [RENEW](#), the [PTO AC](#), and [National Grid](#) filed answers to the January 23 protests/comments; ISO-NE answered RENEW’s February 7 answer; and [CPV Towantic](#), [Glenvale](#), and the [MA AG](#) filed answers to the February 7 answers.

On July 16, 2024, RENEW submitted supplemental affidavits as further evidence in support of its [Complaint](#) and requested that the FERC issue an order on an expedited basis. On July 31, 2024, the PTO AC protested RENEW’s July 16 supplemental submission. On August 9, 2024, RENEW replied to the PTO AC’s July 31 protest. This matter remains pending before the FERC. If you have questions on this proceeding, please contact Eric Runge (617-345-4735; ekrunge@daypitney.com) or Margaret Czepiel (202-218-3906; mzczepiel@daypitney.com).

II. Rate, ICR, FCA, Cost Recovery Filings

- **Essential Power Newington CIP-IROL (Schedule 17) Section 205 Cost Recovery Filing (ER25-588)**

On November 27, 2024, Essential Power Newington, LLC (“EP Newington”) requested FERC acceptance of its revised rate schedule to allow recovery of eligible medium-impact Interconnection Reliability Operating Limits (“IROL”) critical infrastructure protection (“CIP”) costs (“IROL-CIP Costs”) under Schedule 17 of the ISO-NE Tariff, effective 60 days from the date of filing. EP Newington seeks to recover **\$356,401** in incremental medium impact CIP-IROL Costs incurred between July 1, 2023 and June 30, 2024. Comments on EP

discriminatory or preferential; or (2) explain what changes to the Tariff it believes would remedy the identified concerns if the FERC were to determine that the Tariff has in fact become unjust and unreasonable or unduly discriminatory. The refund effective date for this proceeding is May 12, 2023.

¹⁵ *ISO New England Inc.*, Docket No. ER24-324-000 (Dec. 12, 2023) (unpublished letter order).

¹⁶ RENEW also requested (i) that it be considered an Interested Party or afforded adequate opportunity to participate and access transmission rate information under the PTOs’ Formula Rate Protocols and (ii) the PTOs be directed to provide greater transparency regarding O&M costs in the interconnection process.

Newington's request are due on or before **December 18, 2024**. If you have any questions concerning this matter, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **ICR-Related Values and HQICCs – Annual Reconfiguration Auctions (ER25-519)**

On November 22, 2024 (as corrected on November 25, 2024), ISO-NE and NEPOOL jointly filed materials that identify the Installed Capacity Requirement ("ICR"), Local Sourcing Requirements ("LSR"), Maximum Capacity Limits ("MCL"), Hydro Quebec Interconnection Capability Credits ("HQICCs"), and capacity requirement values for the System-Wide and Marginal Reliability Impact Capacity Demand Curves (collectively, the "ICR-Related Values") for the third annual reconfiguration auction ("ARA") for the 2025-26 Capability Year, the second ARA for the 2026-27 Capability Year, and the first ARA for the 2027-28 Capability Year. The ICR-Related Values were supported by the Participants Committee at its November 7, 2024 meeting (Agenda Item 5). A January 21, 2025 effective date was requested. Comments on this filing are due on or before **December 21, 2023**. Thus far, Calpine and National Grid have intervened doc-lessly. If you have any questions concerning this matter, please contact Eric Runge (617-345-4735; ekrunge@daypitney.com).

- **FirstLight CIP-IROL (Schedule 17) Section 205 Cost Recovery Filing (ER25-509)**

On November 21, 2024, FirstLight Power Management ("FirstLight") requested FERC acceptance of its revised rate schedule to allow recovery of eligible medium-impact Interconnection Reliability Operating Limits ("IROL") critical infrastructure protection ("CIP") costs ("IROL-CIP Costs") under Schedule 17 of the ISO-NE Tariff, effective January 20, 2025. FirstLight seeks to recover **\$87,186** in incremental medium impact CIP-IROL Costs incurred between September 16, 2022 and December 31, 2023. Comments on FirstLight's request are due on or before **December 12, 2024**. If you have any questions concerning this matter, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **Canal Marketing CIP-IROL (Schedule 17) Section 205 Cost Recovery Filing (ER25-168)**

On October 21, 2024, Canal Marketing requested FERC acceptance of its revised rate schedule to allow recovery of eligible medium-impact Interconnection Reliability Operating Limits ("IROL") critical infrastructure protection ("CIP") costs ("IROL-CIP Costs") under Schedule 17 of the ISO-NE Tariff, effective 60 days from the date of filing. Canal Marketing seeks to recover **\$642,189** in incremental medium impact CIP-IROL Costs incurred between April 1, 2023 and March 31, 2024. Comments on Canal Marketing's request were due on or before November 12, 2024; none were filed. NEPOOL and Public Citizen intervened doc-lessly. This matter is now pending before the FERC. If you have any questions concerning this matter, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **2025 NESCOE Budget (ER25-134)**

On October 17, 2024, ISO-NE, joined by NESCOE, filed Tariff changes for the funding of NESCOE's 2025 operations. The 2025 Operating Expense Budget for NESCOE is \$2,707,893. The amount to be recovered reflects true-ups from 2023 (over-collections of \$1,115,346). Accordingly, if accepted, the NESCOE budget will result in a charge of \$0.00716 per kilowatt ("kW") of Monthly Network Load (a \$0.00091/kW decrease from 2024). The 2025 NESCOE budget was supported by the Participants Committee at its October 10, 2024 meeting (Agenda Item #5). Comments and any interventions were due on or before November 7, 2024. On October 31, 2024, NEPOOL submitted comments supporting NESCOE's 2025 Budget. No other comments were submitted. National Grid intervened doc-lessly. This matter is pending before the FERC. If there are any questions on this matter, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **2025 ISO-NE Administrative Costs and Capital Budgets (ER25-110)**

On October 15, 2024, ISO-NE filed for recovery of its 2025 administrative costs (the "2025 Revenue Requirement") and submitted its capital budget and supporting materials for calendar year 2025 ("2025 Capital Budget", and together with the 2025 Revenue Requirement, the "2025 ISO Budgets"). The 2025 ISO-NE Budgets were filed together pursuant to the Settlement Agreement entered into to resolve challenges to the 2013 ISO-NE Budgets. In its October 17 filing, ISO-NE reported that the 2025 Revenue Requirement is

\$306.4 million (a \$29.5 million or 10.7% increase over 2024), which increases to \$311.2 million after the over-collection for 2023 is subtracted. Of that total, ISO-NE's administrative costs (i.e., the 2025 Core Operating Budget) comprise \$269.4 million; depreciation and amortization of regulatory assets, \$37 million; and a \$4.8 million true-up increase for 2023 under-collections.

ISO-NE further reported that the 2025 Capital Budget is \$42.5 million, a \$7.5 million increase over 2024, and is comprised of the following (with 2025 projected costs and target completion dates, if available, in parentheses):

▸ nGem Clearing Engine Implementation (Jun 2026)	(\$4 million)	▸ nGem Software Development Part III (Apr 2025)	(\$2.9 million)
▸ Managing Transmission Line Ratings (Nov 2025)	(\$1.7 million)	▸ DASI Improvements (Mar 2025)	(\$1.5 million)
▸ CAMS Software Technology Upgrade (Jun 2025)	(\$700,000)	▸ Network Modeling Tool Enhancements (Jul 2025)	(\$500,000)
▸ New England Clean Energy Connect ("NECEC") (Dec 2025)	(\$300,000)	▸ Automatic Ring Down Circuit Continuity Modernization and Reliability Enhancements (Aug 2025)	(\$300,000)
▸ CIP Electronic Security Perimeter Redesign Phase II	(\$300,000)	▸ Tie Line Telemetry and PCEC Upgrade Phase I (Jun 2025)	(\$100,000)
▸ EMS Short-term Load Forecast Replacement (Jul 2025)	(\$100,000)	▸ Microsoft 365 Service Adoption (Nov 2024)	(\$100,000)
▸ Order 841 (Oct 2025)	(\$2 million)	▸ Space Utilization Project Phase I (Aug 2025)	(\$2 million)
▸ Enterprise Core Network Refresh (Dec 2025)	(\$2 million)	▸ Enterprise Resource Planning System Replacement (Dec 2025)	(\$1.9 million)
▸ EMS Energy Management Platform ("EMP") 3.5 Upgrade (Dec 2026)	(\$1.5 million)	▸ Windows Server Replacement Phase II (Dec 2025)	(\$1.5 million)
▸ Integrated Market Simulator Enhancement (Dec 2025)	(\$1.5 million)	▸ <i>Order 2222</i> (Nov 2026)	(\$1 million)
▸ nGEM Software Development Part IV (Jun 2026)	(\$1 million)	▸ MW Dependent Fuel Price Adjustment (Nov 2025)	(\$1 million)
▸ Tie Line Telemetry and PCEC Upgrade Phase II (Jul 2025)	(\$500,000)	▸ Storage as Transmission Only Asset (Mar 2027)	(\$400,000)
▸ Circuit Inventory Management Platform (Oct 2025)	(\$400,000)	▸ Replace Employee & Pager Application (Oct 2025)	(\$300,000)
▸ Adoption of NERC CIP Compliance of Synchrophasor Systems (Oct 2026)	(\$300,000)	▸ Solar DNE Dispatch Phase III (Nov 2025)	(\$300,000)
▸ Non-Project Capital Expenditures	(\$5 million)	▸ Other Emerging Work	(\$5.7 million)
▸ Capitalized Interest	(\$1 million)		

The 2025 ISO-NE Budgets were supported by the Participants Committee at its October 10, 2024 meeting. Comments on this filing were due November 5, 2024. NEPOOL filed comments supporting the 2025 Budgets and National Grid and NESCOE intervened doc-lessly. This matter remains pending before the FERC.

If there are any questions on this matter, please contact Rosendo Garza (860-275-0660; rgarza@daypitney.com).

- **Transmission Rate Annual (2023-24) Update/Informational Filing (ER20-2054-000)**

Formal Challenge by MOPA. As previously reported, the Maine Office of the Public Advocate (“MOPA”) filed a formal challenge (“MOPA Formal Challenge”) to the 2023-24 Annual Update on January 31, 2024.¹⁷ MOPA asserted that, (i) with respect to the cost of asset condition projects placed into service in 2022, Identified TOs¹⁸ have refused to answer questions regarding investment policies and practices related to prudence of these investments and (ii) that the Identified TOs’ decision not to respond to these questions violates their obligation under the OATT’s Protocols. Comments on the MOPA Formal Challenge were due on or before February 21, 2024 and were filed by Consumer Advocates¹⁹ (who supported MOPA’s attempt to discover the information requested in its September 15, 2023 requests and agreed that policies, processes, and procedures related to ACP costs are discoverable pursuant to the Protocols) and Identified TOs (who urged the FERC to reject the MOPA Formal Challenge as baseless and misguided). On March 4, 2024, MOPA answered Identified TOs’ comments. Identified TOs answered MOPA’s March 4 answer on March 15 (as corrected on March 18, 2024).

On July 26, 2024, the FERC directed Identified TOs to provide to the FERC its responses (both public and confidential) to MOPA’s questions related to general processes and procedures for asset condition project planning. The FERC stated that it needs the full information to evaluate whether the Identified TOs made “a good faith effort to respond to [the] information request[] pertaining to the Annual Update.” Identified TOs’ responses were filed by CMP, Eversource (CL&P, NSTAR East, NSTAR West, and PSNH), MEPCO, National Grid (Narragansett and New England Power), and VTransco (on September 6). On September 5, 2024, MOPA challenged National Grid’s claim that, because it had provided copies of what it sent to MOPA originally, MOPA’s Formal Challenge could be rejected without further procedures. MOPA continues to assert that the materials provided by National Grid do not constitute a “good faith response” and renewed its request for the FERC to direct the Identified TOs to answer its questions concerning the investment policies and practices used to evaluate the need for a particular asset condition project, a necessary predicate to a prudence review.

The MOPA Formal Challenge is pending before the FERC. If there are questions on this matter, please contact Eric Runge (617-345-4735; ekrunge@daypitney.com).

- **Mystic 8/9 Cost of Service Agreement (“COSA”) (ER18-1639)**

(-029) Global Settlement. On November 8, 2024, Constellation Mystic Power, LLC (“Mystic”) submitted an unopposed Settlement Agreement and related materials (collectively, the “Global Settlement”) to resolve all remaining/outstanding issues related to the COSA between Mystic, Constellation Energy, and ISO-NE.²⁰ The

¹⁷ On July 31, 2023, the PTO AC submitted its annual filing identifying adjustments to Regional Transmission Service charges, Local Service charges, and Schedule 12C Costs under Section II of the Tariff for 2024 (the “2023-24 Annual Update”). The filing reflected the charges to be assessed under annual transmission and settlement formula rates, reflecting actual 2022 cost data, plus forecasted revenue requirements associated with projected PTF, Local Service and Schedule 12C capital additions for 2023 and 2024, as well as the Annual True-up including associated interest. The PTO AC stated that the annual updates result in a Pool “postage stamp” RNS Rate of \$154.35/kW-year effective Jan. 1, 2024, an increase of \$12.71 /kW-year from the charges that went into effect on Jan. 1, 2023. In addition, the filing included updates to the revenue requirements for Scheduling, System Control and Dispatch Services (the Schedule 1 formula rate), which result in a Schedule 1 charge of \$1.95 kW-year (effective June 1, 2023 through May 31, 2024), a \$0.20/kW-year increase from the Schedule 1 charge that last went into effect on June 1, 2023.

¹⁸ “Identified TOs” are the New England Transmission Owners with asset condition projects that are the focus of the MOPA Formal Challenge: CL&P, Maine Electric Power Company (“MEPCO”), NSTAR (East & West), National Grid, Public Service Company of New Hampshire (“PSNH”), Rhode Island Energy (“RI Energy”), and Vermont Transco LLC (“VTransco”).

¹⁹ For purposes of this proceeding, “Consumer Advocates” are the MA AG, CT OCC, NH OCA, and RI Division.

²⁰ The unresolved issues include, among others, certain formal challenges to Mystic’s Sep. 15, 2022 “Second CapEx Info Filing” (which addressed the capital expenditures and related costs that Mystic projected would be collected as an expense between Jan. 1, 2023 to Dec. 31, 2023 (“2023 CapEx Projects”), as well as certain challenges to Mystic’s 30-Day Compliance Filing in response to the requirements

following parties joined the Global Settlement in its entirety: Mystic; Constellation Energy; Eastern New England Consumer Owned Systems (“ENECOS”); ISO-NE; and the New England States Committee on Electricity (“NESCOE”) (collectively, the “Settling Parties”).²¹ Comments on the Global Settlement were due on or before November 29, 2024. FERC Trial Staff filed comments in support of the Global Settlement Agreement. Reply comments are due on or before **December 9, 2024**. The Settling Parties requested that the FERC act upon the Global Settlement as soon as possible, but no later than February 3, 2025.

Mystic COSA ROE Settlement Agreement (ER25-584; ER24-2804). As previously reported, the FERC approved on November 1, 2024 the unopposed Settlement Agreement that establishes a settled ROE of 9.0%²² for the Mystic COSA (“Mystic ROE Settlement Agreement”).²³ The *Mystic ROE Settlement Order* will moot the ROE appeals currently pending before the DC Circuit²⁴ and a pending Revised ROE (Sixth) Compliance Filing pending in ER18-1639-014.²⁵ As directed, Mystic submitted on November 27, 2024 a compliance filing with revised tariff records in eTariff format to reflect the FERC’s action in the *Mystic ROE Settlement Order* (ER25-584).

If you have questions on any aspect of these Mystic proceedings, please contact Joe Fagan (202-218-3901; jfagan@daypitney.com) or Margaret Czepiel (202-218-3906; mzczepiel@daypitney.com).

- **Transmission Rate Annual (2022-23) Update/Informational Filing (ER09-1532)**

RENEW Formal Challenge. RENEW’s January 31, 2023 formal challenge (“Challenge”) to the 2022/23 Update/Informational Filing²⁶ remains pending before the FERC. In the Challenge, RENEW asserted that (i) the TOs failed to provide adequate rate input information in the Annual Informational Filing and in the Information Exchange Period under the Interim Formula Rate Protocols regarding inclusion or exclusion of “O&M costs” on Network Upgrades that the TOs directly assign to Interconnection Customers (and thereby failing to demonstrate that such O&M costs are not being double counted in transmission rates); and (ii) the TO’s Interpretation of “Interested Party” to exclude RENEW violated the Interim Formula Rate Protocols. RENEW thus asked that the FERC (a) require the TOs to show the calculation of the annual O&M charges with sources of data inputs and show how such O&M charges are not being double recovered in transmission rates, and (b) determine that an entity

of *Belmont Municipal Light Dept., et al. v. Constellation Mystic Power, LLC and ISO New England, Inc.*, 182 FERC ¶ 61,199 (Mar. 28, 2023) (“*Order on ENECOS Mystic COSA Complaint*”, which denied in part, and accepted in part, ENECOS’ Complaint against Mystic and ISO-NE challenging the pass-through of firm pipeline transportation costs under the 2nd Amended and Restated Mystic COSA).

²¹ In addition to NEPOOL, the following parties, while not Settling Parties, did not oppose the Global Settlement: MA AG, CT DEEP, CT PRA, CT OCC, MMWEC, National Grid, and NHEC.

²² The ROE to be used in the Methodology for both Everett and Mystic would be 9.0% for the entirety of the Term (or June 1, 2022 – May 31, 2024) (“Settled Mystic ROE”), a reduction from the currently-on-file ROE of 9.19%. Recall that, on July 15, 2021, the FERC set the base ROE for the Mystic COSA at 9.33%. (*Constellation Mystic Power, LLC*, 176 FERC ¶ 61,019 (July 15, 2021) (“*Mystic ROE Order*”)) Subsequently, in response to challenges, the FERC on rehearing lowered the base ROE to 9.19%. (*Constellation Mystic Power, LLC*, 178 FERC ¶ 61,116 (Feb. 18, 2022) (“*Mystic ROE Second Allegheny Order*”)).

²³ *Constellation Mystic Power, LLC*, 189 FERC ¶ 61,091 (Nov. 1, 2024) (“*Mystic ROE Settlement Order*”).

²⁴ The *Mystic ROE Order* and the *Mystic ROE Second Allegheny Order* were appealed to the DC Circuit and are being held in abeyance. See Section XVI of this Report, Mystic II (ROE & True-Up) (21-1198 *et al.*)

²⁵ As long reported, Mystic filed a revised ROE (Sixth) compliance filing (docketed as ER18-1639-014) in response to the requirements of the *Mystic ROE Allegheny Order*. The sixth compliance filing revised (i) the Cost of Common Equity figures from 9.33% to 9.19%, for both Mystic 8&9 and Everett Marine Terminal (“Everett”), and (ii) the stated Annual Fixed Revenue Requirements for both the 2022/23 and 2023/24 Capacity Commitment Periods.

²⁶ The 2022/23 annual filing reflected the charges to be assessed under annual transmission and settlement formula rates, reflecting actual 2021 cost data, plus forecasted revenue requirements associated with projected PTF, Local Service and Schedule 12C capital additions for 2022 and 2023, as well as the Annual True-up including associated interest. The formula rates in effect for 2023 included a billing true up of seven months of 2021 (June-Dec.). The Pool “postage stamp” RNS Rate, effective Jan. 1, 2023, was \$140.94 /kW-year, a decrease of \$1.84 /kW-year from the charges that went into effect the year prior. The updates to the revenue requirements for Scheduling, System Control and Dispatch Services (the Schedule 1 formula rate) resulted in a Schedule 1 charge of \$1.75 kW-year (eff. June 1, 2022 through May 31, 2023), a \$0.12/kW-year decrease from the Schedule 1 charge that last went into effect on June 1, 2022.

such as RENEW is an Interested Party under the Interim Formula Rate Protocols and that its Information Requests seeking rate inputs and support for the O&M charges on Network Upgrades are within the scope of the Interim Formula Rate Protocols process. Comments on RENEW's Challenge were due on or before March 16, 2023. Comments and protests were filed by: [Avangrid](#), [Eversource](#), [National Grid](#), [Public Systems](#), [RI Energy](#), [Unitil](#), [Versant Power](#), [VTransco/GMP](#). On March 31, 2023, RENEW answered the comments and protests to its Challenge. Subsequently, on April 14, 2023, Eversource answered RENEW's March 31 answer. There has been no activity in this proceeding since Eversource's answer. This matter remains pending before the FERC. If there are questions on this matter, please contact Eric Runge (617-345-4735; ekrunge@daypitney.com).

III. Market Rule and Information Policy Changes, Interpretations and Waiver Requests

- **DASI Effective Date Change (to Feb 28, 2025) (ER25-456)**

On November 15, 2024, ISO-NE filed changes to make the effective date for the Day-Ahead Ancillary Services Initiative ("DASI")-related Tariff revisions February 28, 2025 (rather than the previously-accepted date of March 1, 2025). By making the DASI changes effective February 28, 2025, ISO-NE intends to eliminate any confusion about when ISO-NE will first begin accepting Day-Ahead Ancillary Services Offers and clearing Day-Ahead Ancillary Services awards given the termination of the Forward Reserve Market ("FRM"). If the Day-Ahead Market with DASI were to run for the first time on March 1, 2025, then the first Operating Day covered by Day-Ahead Ancillary Services awards would be March 2, 2025. A February 28, 2025 effective date avoids any perceived "gap" between the termination of the FRM and the commencement of the new jointly optimized Day-Ahead Market on March 1, 2025. Comments on this filing are due on or before **December 6, 2024**. Thus far, Calpine and National Grid have intervened doc-lessly. If you have any questions concerning this matter, please contact Rosendo Garza (860-275-0660; rgarza@daypitney.com).

- **Waiver Request: Withdrawal from IEP and Return of IEP Net Revenues Received (Canal Marketing/ Canal 3) (ER25-56; ER24-1407)**

As previously reported, on March 4, 2024 (as amended and supplemented on March 8 and March 22, 2024), Canal Marketing LLC (f/k/a Stonepeak Kestrel Energy Marketing LLC) ("CM") requested a one-time waiver of the provisions of Appendix K to Market Rule 1 (Inventoried Energy Program (the "IEP")) so as to permit CM to (i) withdraw CM's participation in the IEP on behalf of Canal 3 Generating LLC ("Canal 3")²⁷ for Winter 2023-24 and (ii) to return to ISO-NE the net revenues, with applicable interest, that CM received on behalf of Canal 3 for Canal 3's participation in the IEP for Winter 2023-2024 because Canal 3's return from a forced outage was delayed beyond the end of the IEP's Winter 2023-24 period.²⁸ CM explained that, when it elected to participate in the IEP on behalf of Canal 3 on September 21, 2023, CM anticipated that the Canal 3 Facility would be back in service by December 18, 2023, and would be available for the remainder of the IEP's Winter 2023-24 period. However, the actual return-to-service date for the Canal 3 Facility was delayed beyond the end of the IEP's Winter 2023-24 period and Canal 3 was not able to perform during the Winter 2023-24 period. CM seeks the requested waiver because no provision in Appendix K nor any other provision of the Tariff was identified as providing a mechanism for a Participant to withdraw from the IEP or to return IEP revenues to ISO-NE. Comments on the CM Waiver Request were due on or before March 25, 2024. The IMM submitted comments supporting the CM Waiver Request in so far as CM requests the prompt repayment of the revenues received on behalf of Canal 3 under the

²⁷ Canal 3 is an approximately 333 MW (summer rating) gas- and oil-fired generation facility. Canal 3 has been on forced outage since Feb. 3, 2023, when a blade on the turbine wheel broke off and caused catastrophic damage to the gas turbine, which significantly impacted the compressor blades and bearings. As a result, the full train was disassembled and shipped to General Electric ("GE"), its manufacturer, for repair. GE initially provided a repair schedule that contemplated Canal 3's return to service by Dec. 15, 2023.

²⁸ At the time CM made its IEP election submission, CM anticipated that, based on information provided by GE, Canal 3 would be back on line by Dec. 18, 2023. CM informed ISO-NE in mid-December that forced outage of Canal 3 would continue until near the end of the IEP's Winter 2023-24 period, but no mechanism for a withdrawal from the IEP or the return of IEP payments received was identified.

IEP and, if determined to be warranted by the FERC, net of Program charges. NEPOOL (out-of-time) and National Grid intervened doc-lessly.

Settlement Judge Proceedings. On August 12, 2024, the FERC issued an order establishing settlement judge procedures to address the issue of whether and how CM should return revenues or net revenues, with applicable interest, to ISO-NE.²⁹ On August 21, 2024, the Chief ALJ designated ALJ Patricia E. Hurt as the settlement judge in this proceeding. Judge Hurt submitted her 1st status report on September 20, 2024, recommending that the settlement process continue. A formal settlement conference was held on September 23, 2024, at which time the parties reported that a settlement in principle between Canal and ISO-NE had already been reached. On November 19, 2024, Judge Hurt issued a second status report, followed one week later by a third and final status report that reported that she had certified the Canal IEP Settlement Agreement to the Commission and recommended that settlement procedures be terminated. On December 2, 2024, Deputy Chief ALJ Renee Terry, subject to final action by the Commission, terminated the settlement judge procedures in this proceeding.

Settlement Agreement (ER25-56). An *unopposed* settlement agreement, which will resolve all of the issues raised in this proceeding (“Canal IEP Settlement Agreement”), was submitted on October 8, 2024 (ER25-56). The Settlement Agreement provides that CM will refund and repay to ISO-NE the net revenues that it received on behalf of Canal 3 for participating in the IEP for the Winter 2023-2024 period, plus interest. The settlement amount (“Settlement Amount”) will consist of a lump sum of \$1,968,156.08 and an amount of interest to be calculated in accordance with FERC regulations. The time period for calculating that interest will be from January 15, 2024, the midpoint of the IEP 2023-2024 Winter period, until the day that the parties receive notice of approval of the Agreement by the FERC. Canal Marketing will have 10 Business Days from the date that the FERC approves the Settlement Agreement to pay the Settlement Amount to ISO-NE. ISO-NE will have 60 days to distribute the Settlement Amount as appropriate to the average Real-Time Load Obligation for the IEP Winter 2023-2024 period. Details regarding the distribution to IEP Participants will be provided by ISO-NE in a notice and included in the applicable monthly settlement’s job aid. On October 28, 2024, FERC Trial Staff filed initial comments in support of the Canal IEP Settlement Agreement. No reply comments were filed. Settlement Judge Hurt certified the uncontested Canal IEP Settlement Agreement to the Commission on November 26, 2024. The Canal IEP Settlement Agreement is pending before the Commission. If you have any questions concerning this matter, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **Waiver Request: Late Stage SIS Process (GDQ ESS) (ER24-2926)**

On August 29, 2024, GDQ ESS LLC (“GDQ ESS”) requested a limited waiver of pending *Order 2023* compliance Tariff revisions³⁰ to allow it to accept, after August 30, 2024, the SIS results for its facility³¹ and thus to enable its LGIA to benefit from the proposed Late-Stage SIS Process and for it to be refunded its deposits associated with participation in the Transitional Cluster Study.³² On September 6, ISO-NE protested the waiver request asserting that GDQ ESS does not meet the FERC’s standard for granting waivers. NEPOOL and Calpine intervened. There has been no activity in this proceeding since the last Report. The GDQ ESS waiver request

²⁹ *Canal Marketing LLC*, 188 FERC ¶ 61,122 (Aug. 12, 2024).

³⁰ Revisions to Section 5.1.1.2 of the LGIP, pending in the *Order 2023* Compliance Changes proceeding (ER24-2009), provide that “if the Interconnection Customer accepts the results of its system impact study on or before August 30, 2024, the System Operator shall not include the Interconnection Request in the Transitional Cluster Study and instead tender a Large Generator Interconnection Agreement pursuant to Section 11 of this LGIP, and refund any deposits associated with participation in the Transitional Cluster Study” (the “Late-Stage SIS Process”).

³¹ GDQ is the project company for a 203 MW battery energy storage project located in North Kingstown, Rhode Island (Queue Position “QP1163”) (the “ESS Facility”). The ESS Facility will interconnect to the RI Energy transmission system.

³² GDQ states that it is in potential jeopardy of missing the August 30, 2024 deadline under Section 5.1.1.2 to enter into a LGIA because a previously queued project upon which its queue position is dependent was unlikely to complete its System Impact Study ahead of GDQ’s.

remains pending before the FERC. If you have any questions concerning this matter, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **MW-Dependent Fuel Price Adjustments (ER24-2584)**

On November 21, 2024, the FERC accepted (i) changes to allow Market Participants to submit up to two different MW-dependent fuel prices in their cost-based Reference Levels (“Fuel Price Adjustments”)³³ and (ii) terminated the show cause proceeding in Docket No. EL23-62, finding that ISO-NE had addressed the FERC’s directives and concerns set out in the Show Cause Order.³⁴ While ISO-NE’s targeted implementation date for the Fuel Price Adjustments is November 16, 2026, the FERC accepted the Fuel Price Adjustments for now with an undetermined effective date (12/31/9998), requiring ISO-NE to make an informational filing notifying the FERC of the actual effective date of the Fuel Price Adjustments no less than 15 days prior to their implementation date. Unless the *Fuel Price Adjustments Order* is challenged, and until the effective date notice is filed, reporting on this proceeding will be concluded. If you have any questions concerning this matter, please contact Rosendo Garza (860-275-0660; rgarza@daypitney.com).

- **New England’s Order 2222 Compliance Filings (ER22-983)**

As previously reported, in a lengthy compliance Order³⁵ issued March 1, 2023, the FERC approved in part, and rejected in part, the *Order 2222* compliance filing³⁶ (“*Order 2222 Compliance Order*”) filed jointly by ISO-NE, NEPOOL and the PTO AC (“Filing Parties”).³⁷ In the *Order 2222 Compliance Order*, the FERC directed a number of revisions and additional compliance and informational filings to be filed within 30, 60 or 180 days of the *Order 2222 Compliance Order*. The FERC accepted the 30-, 60- and 180-day compliance filings.³⁸ In the order conditionally accepting the 60-day compliance filing,³⁹ the FERC directed ISO-NE to submit a further compliance filing, on or before January 31, 2024, to comply with the directives of the *First Compliance Order* regarding the submission of DERA meter data.⁴⁰ On December 4, 2023, AEU requested rehearing of the *Order 2222 60-Day*

³³ *Fuel Price Adjustments Order*.

³⁴ *Id.* at PP 16-20.

³⁵ Commissioners Danly and Clements each provided separate concurrences with, and Commissioner Christie provided a separate dissent from, the *Compliance Order*. Commissioners Danly and Christie, despite their opposing positions on the Compliance Order, both reiterated their reasons for dissenting from *Order 2222* and concern for FERC overreach and difficulty with complying with *Order 2222*. In her separate concurrence, Commissioner Clements urged the ISO on compliance to “modify its proposal to address undue barriers and make participation more workable” and “to pursue steps that genuinely open [the New England Markets] to DERs like behind-the-meter resources.”

³⁶ As previously reported, the Filing Parties submitted on Feb. 2, 2022 Tariff revisions (“*Order 2222 Changes*”) in response to the requirements of *Order 2222*. The Filing Parties stated that the *Order 2222 Changes* create a pathway for Distributed Energy Resource Aggregations (“DERAs”) to participate in the New England Markets by: creating new, and modifying existing, market participation models for DERA use; establishing eligibility requirements for DERA participation (including size, location, information and data requirements); setting bidding parameters for DERAs; requiring metering and telemetry arrangements for DERAs and individual Distributed Energy Resources (“DERs”); and providing for coordination with distribution utilities and relevant electric retail regulatory authorities (“RERRAs”) for DERA/DER registration, operations, and dispute resolution purposes.

³⁷ *ISO New England Inc. and New England Power Pool Participants Comm.*, 182 FERC ¶ 61,137 (Mar. 1, 2023) (“*First Order 2222 Compliance Order*”).

³⁸ *ISO New England Inc.*, Docket Nos. ER22-983-003 and ER22-983-005 (Oct. 25, 2023) (unpublished letter order) (“*30/180-Day Order 2222 Compliance Order*”). The 30-Day compliance filings explained how current Tariff capacity market mitigation rules would apply to DECRs participating in FCA18 and provided an update on implementation timeline milestones associated with DECR participation in FCA18 and the other markets. The 180-Day compliance filing explained how the current Tariff capacity market mitigation rules would apply to DECRs participating in FCA19 and beyond and the Mar. 1, 2024 effective date for the rules allowing DECRs to participate in the FCM).

³⁹ *ISO New England Inc.*, 185 FERC ¶ 61,095 (Nov. 2, 2023) (“*Order 2222 60-Day Compliance Filing Order*”).

⁴⁰ Specifically, the FERC directed ISO-NE to revise the Tariff to designate the DER Aggregator as the entity responsible for providing any required metering information to ISO-NE, and to require that each DER Aggregator maintain and submit aggregate settlement data for the DERA, so that ISO-NE can regularly settle with the DER Aggregator for its market participation. To the extent that ISO-NE proposes in that further compliance filing that metering data come from or flow through distribution utilities, the FERC directed ISO-NE to coordinate with distribution utilities and relevant electric retail regulatory authorities to establish protocols for sharing such metering data,

Compliance Filing Order. Although the AEU request for rehearing was deemed to have been denied by operation of law,⁴¹ the FERC issued an *Allegheny* order⁴² in response to AEU's request for rehearing.⁴³ The *Order 2222 60-Day Compliance Filing Order Allegheny Order* sustained three of the four findings challenged by AEU, but set aside, in part, the FERC's prior finding that ISO-NE partially complies with the requirement to revise its Tariff to establish market rules that address metering requirements necessary for distributed energy resource aggregations ("DERAs"). The FERC found that, under its rule of reason,⁴⁴ ISO-NE's basic description of its metering practices for DERAs was incomplete because the Tariff did not include submetering requirements for DERAs participating as submetered Alternative Technology Regulation Resources ("ATRRs").⁴⁵ Accordingly, the FERC directed ISO-NE to file a further compliance filing to revise ISO-NE's Tariff to specify its submetering requirements for DER Aggregations' participation as submetered ATRRs ("ATTR Submetering Tariff Revisions"). ISO-NE filed the ATTR Submetering Tariff Revisions on July 22, 2023 and those revisions were accepted on November 19, 2024 (effective November 1, 2026, as requested).⁴⁶

Federal Court (DC Circuit) Appeals. As previously reported, CMP and UI, National Grid, Eversource, and ISO-NE filed separate appeals of the *Order 2222 Compliance Order*. Those appeals have been consolidated (Case No. 23-1167) and are reported on in [Section XVI below](#). If you have any questions concerning these matters, please contact Sebastian Lombardi (860-275-0663; slombardi@daypitney.com); Eric Runge (617-345-4735; ekrunge@daypitney.com); or Rosendo Garza (860-275-0660; rgarza@daypitney.com).

IV. OATT Amendments / TOAs / Coordination Agreements

- **PBOP Collections Report (New England Power) (ER25-510)**

On November 22, 2024, New England Power ("NEP") filed a report identifying planned collection activity related to the over recovery of post-retirement benefits other than pensions ("PBOP") under Appendix A to Attachment F to the ISO-NE OATT. The report was required to be filed with the FERC because the absolute value of the over-recovery exceeds the threshold identified in OATT Attachment F.⁴⁷ No changes to the filed rate were sought. The report shows an over-recovery, after interest, of **\$2,852,101**. If accepted, the PBOP figures will be used in NEP's 2025 Annual Updates. Comments on this filing are due on or before **December 13, 2024**. If you have any questions concerning this proceeding, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

and explain how such protocols minimize costs and other burdens and address concerns raised with respect to privacy and cyber security. *Id.* at P 34.

⁴¹ *ISO New England Inc.*, 186 FERC ¶ 62,002 (Jan. 4, 2023) ("*Order 2222 60-Day Compliance Filing Order Allegheny Notice*").

⁴² An "Allegheny order" is a merits rehearing order issued on or after the 31st day after receipt of a rehearing request, reflecting the FERC's authority to "modify or set aside, in whole or in part," its order until it files the record on appeal with a reviewing federal court. An Allegheny order will use "modifying the discussion" if the FERC is providing a further explanation, but is not changing the outcome, of the underlying order; or "set aside" if the FERC is changing the outcome of the underlying order. Aggrieved parties have 60 days after a deemed denial to file a review petition, even if FERC has announced its intention to issue a further merits order..

⁴³ *ISO New England Inc.*, 187 FERC ¶ 61,100 (May 23, 2024) ("*Order 2222 60-Day Compliance Filing Order Allegheny Order*").

⁴⁴ "[d]ecisions as to whether an item should be placed in a tariff or in a business practice manual are guided by the [FERC]'s rule of reason policy, under which provisions that 'significantly affect rates, terms, and conditions' of service, are readily susceptible of specification, and are not generally understood in a contractual agreement must be included in the tariff, while items better classified as implementation details may be included only in the business practice manual." *Order 2222 60-Day Compliance Filing Order Allegheny Order* at P 36 citing *Order 2222*, 172 FERC ¶ 61,247 at P 271.

⁴⁵ *Order 2222 60-Day Compliance Filing Order Allegheny Order* at P 6.

⁴⁶ *ISO New England Inc.*, Docket No. ER22-983-009 (Nov. 19, 2024) (unpublished letter order).

⁴⁷ A Report is required when "the absolute value of [(Cumulative Under/(Over) Recovery, including Current Year interest)] is greater than \$100,000 and the absolute value of [(Cumulative Under/(Over) recovery, including Current Year interest, as a per cent of transmission-related PBOP expense)] is greater than 20%. See ISO-NE OATT, Attachment F, Appendix A, Worksheet 9, Note (j).

- **Attachments C and Q Revisions (ER25-410)**

On November 12, 2024, ISO-NE and NEPOOL jointly filed proposed revisions to Attachments C and Q of the OATT. The revisions to Attachment C are to conform to the requirements established by Order 881.⁴⁸ The revisions to Attachment Q address the use of Ambient Adjusted Ratings at ISO-NE's seams. An effective date of July 12, 2025 was requested. Comments on this filing were due on or before December 3, 2024; none were filed. Calpine and National Grid intervened doc-lessly. This matter is pending before the FERC. If you have any questions concerning this proceeding, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **PBOP Collections Report (RI Energy) (ER25-343)**

On November 1, 2024, RI Energy filed a report identifying planned collection activity related to the over recovery of post-retirement benefits other than pensions under Appendix A to Attachment F to the ISO-NE OATT. The report was required to be filed with the FERC because the absolute value of the over-recovery exceeds the threshold identified in OATT Attachment F.⁴⁹ No changes to the filed rate were sought. The report shows an over-recovery, after interest, of \$974,272. If accepted, the PBOP figures will be used in RI Energy's 2025 Annual Updates. Comments on this filing were due on or before November 22, 2024; none were filed. This matter is pending before the FERC. If you have any questions concerning this proceeding, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **NE/NB Coordination Agreement Updates (ER25-328)**

Also on November 1, 2024, ISO-NE and NEPOOL jointly filed updates to the Coordination Agreement Between ISO-NE and the New Brunswick System Operator ("NE/NB Coordination Agreement"). The updates: (i) reflect the amalgamation of the New Brunswick Power Group of Companies and align the agreement with the structure of the ISO-NE/NYISO Coordination Agreement; (ii) recognize the NERC Registered Reserve Sharing Group; and (iii) update pricing-related provisions for Security Energy and Emergency Energy. The updates were supported by the Participants Committee at its October 10, 2024 meeting (Consent Agenda Item Nos. 1 and 2). A January 1, 2025 effective date was requested. Comments on this filing were also due on or before November 22, 2024; none were filed. This matter is pending before the FERC. If you have any questions concerning this proceeding, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **PBOP Collections Report (CL&P) (ER25-306)**

On October 31, 2024, CL&P filed a report identifying planned collection activity related to the over recovery of PBOP under Appendix A to Attachment F to the ISO-NE OATT. The report was required to be filed with the FERC because the absolute value of the over-recovery exceeds the threshold identified in OATT Attachment F. No changes to the filed rate were sought. The report shows an over-recovery, after interest, of \$173,347. If accepted, the PBOP figures will be used in CL&P's 2025 Annual Updates. Comments on this filing were due on or before November 21, 2024; none were filed. This matter is pending before the FERC. If you have any questions concerning this proceeding, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **Order 2023 Compliance Revisions (ER24-2009) and Related Changes (ER24-2007)**

On May 14, 2024 (as corrected May 31, 2024), ISO-NE, NEPOOL and the PTO AC filed (i) proposed Tariff revisions in response to the requirements of *Orders 2023* and *2023-A* ("*Order 2023 Compliance Revisions*") and Tariff revisions to harmonize the SGIP, ETU Interconnection Procedures ("*ETUIP*"), and Regional Transmission Service rules with the contemporaneously-filed *Order 2023 Compliance Revisions* ("*Order 2023 Related Changes*"). The *Order 2023 Compliance Revisions* adopt most of the required *pro forma* OATT changes, with some regional variations to recognize certain existing features of the ISO-NE interconnection process, including an existing

⁴⁸ *Managing Transmission Line Ratings*, Order No. 881, 177 FERC ¶ 61,179 (Dec. 16, 2021).

⁴⁹ A Report is required when "the absolute value of [(Cumulative Under/(Over) Recovery, including Current Year interest)] is greater than \$100,000 and the absolute value of [(Cumulative Under/(Over) recovery, including Current Year interest, as a per cent of transmission-related PBOP expense)] is greater than 20%. See ISO-NE OATT, Attachment F, Appendix A, Worksheet 9, Note (j).

cluster process to address cases where cluster enabling transmission is required, integration of the interconnection process with Forward Capacity Market (“FCM”) participation, and a unified treatment of all ISO interconnection requests, including those for small generators and Elective Transmission Upgrades (“ETU”) (filed in ER24-2007).⁵⁰ The *Order 2023 Related Changes* were filed concurrently as they may be considered to be beyond the scope of the compliance obligations.⁵¹ The filing parties requested an effective date of August 12, 2024 for the *Order 2023 Compliance Revisions* and that the FERC issue an order for the *Order 2023 Related Changes* concurrently with its order on the *Order 2023 Compliance Revisions* and that the *Order 2023 Related Changes* become effective on the same date as the *Order 2023 Compliance Revisions*.

Comments on these filings were due on or before June 4, 2024, and were filed by [BlueWave](#), [Glenvale](#), [New Leaf](#), [RENEW](#), [Clean Energy Associations](#),⁵² and [Longroad Energy Holdings](#). Calpine, Clearway, Constellation, National Grid, NESCOE, RIE, Shell Energy/Savion, MA DPU, and Cordelio Services intervened doc-lessly. On June 20, 2024, ISO-NE answered the June 4 comments. On July 5, [Glenvale](#) and [Longroad Energy](#) answered [ISO-NE’s Jun 20 Answer](#). On July 19, [ISO-NE](#) answered [Glenvale’s](#) and [Longroad Energy’s](#) further July 5 answers. Since the last Report, on August 5, [Longroad Energy](#) answered ISO-NE’s July 19 answer (again advocating for why ISO-NE should be required to accept surety bonds for CETU Participation Deposits, as it asserts is required for all commercial readiness deposits per *Order 2023*) (“Additional Answer”). [ISO-NE](#) answered [Longroad’s](#) August 5 Additional Answer on August 7. On September 30, 2024, Allco Finance Limited (“[Allco](#)”) intervened out-of-time and protested this filing (asserting that the new proposed ISO-NE practices “will strike a crushing blow to small distributed solar between 1 MW and 5 MW” by “imposing knee-buckling interconnection fees and costs and a crushing interconnection process”). On October 18, 2024, ISO-NE answered the Allco protest, and Allco answered ISO-NE’s October 18 answer on October 24, 2024.

Since the last Report, Allco supplemented its October 24 answer on November 12, ISO-NE answer Allco’s November 12 supplement on November 13, and Allco answered ISO-NE November 18 answer. In addition, on November 25, 2024, [NESCOE](#) urged the FERC to act swiftly on the region’s *Order 2023* compliance proposal. This matter remains pending before the FERC. If you have any questions concerning this matter, please contact Eric Runge (617-345-4735; ekrunge@daypitney.com).

⁵⁰ The *Order 2023 Related Changes*, which propose changes to aspects of the Tariff impacted by the *Order 2023 Compliance Revisions*, but that may be considered to be beyond the scope of the *Order 2023* compliance requirements, include: (i) revisions to the pro forma SGIP beyond those explicitly required in *Order 2023/2023-A* to align the Small Generator Interconnection Procedures (“SGIP”) with the Large Generator Interconnection Procedures (“LGIP”) and include Small Generating Facilities in the new Cluster Study Process; (ii) revisions to the ETUIP to ensure it remains aligned with the LGIP and include ETUs in the Cluster Study Process; and (iii) revisions to Study Procedures for Regional Network Service Requests and Through or Out Service Requests to require that System Impact Studies related to Regional Transmission Service requests take place in the Cluster Study incorporated as part of the Cluster Study Process.

⁵¹ The *Order 2023 Related Changes* include: (i) revisions to the pro forma SGIP beyond those explicitly required in *Order 2023/2023-A* to align the Small Generator Interconnection Procedures (“SGIP”) with the Large Generator Interconnection Procedures (“LGIP”) and include Small Generating Facilities in the new Cluster Study Process; (ii) revisions to the ETUIP to ensure it remains aligned with the LGIP and include ETUs in the Cluster Study Process; and (iii) revisions to Study Procedures for Regional Network Service Requests and Through or Out Service Requests to require that System Impact Studies related to Regional Transmission Service requests take place in the Cluster Study incorporated as part of the Cluster Study Process.

⁵² “Clean Energy Associations” are, collectively, AEU, ACPA, Natural Resources Defense Council (“NRDC”), and SEIA.

- **Order 881 Compliance Filing (Transmission Line Rating Calculation and Submittal Timeframe Implementation Details) (Phase I/II HVDC-TF) (ER22-2468-001; ER22-2467-001)**

Following a requested 14-day extension of time granted by the FERC,⁵³ ISO-NE, the Asset Owners,⁵⁴ and the Schedule 20A Service Providers⁵⁵ jointly submitted their compliance filing to address the sole directive in the June 15, 2023 *Phase I/II HVDC-TF Order 881 Compliance Order*⁵⁶ to provide implementation details regarding the calculation and submittal timeframes for the ambient-adjusted ratings (“AARs”) required by *Order 881*. Comments on this filing are due on or before **December 13, 2024**. If you have any questions concerning this matter, please contact Eric Runge (617-345-4735; ekrunge@daypitney.com).

- **Order 881 Compliance Filing (Transmission Line Rating Calculation and Submittal Timeframe Implementation Details) (New England) (ER22-2357-002)**

On November 12, 2024, ISO-NE and the PTO AC jointly submitted implementation details regarding the calculation and submittal timeframes for the Transmission Line Ratings as required by *Order 881*. Comments on this filing were due on or before December 3, 2024; none were filed. This matter is pending before the FERC. If you have any questions concerning this matter, please contact Eric Runge (617-345-4735; ekrunge@daypitney.com).

V. Financial Assurance/Billing Policy Amendments

- **FAP Revisions to Mitigate Risk of PFP Penalty Payment Defaults (ER24-3071)**

On September 18, 2024, ISO-NE proposed Financial Assurance Policy (“FAP”) revisions for Participants that are determined not to have adequate corporate liquidity relative to potential obligations that may be incurred under the pay for performance (“PFP”) construct of the FCM (the “FAP Revisions”). Beginning with the 2025 – 2026 Capacity Commitment Period (“CCP”), ISO-NE will perform a corporate liquidity assessment on each FCM participant holding a Capacity Supply Obligation (“CSO”) (or its guarantor, if such guarantor is guaranteeing the payment of PFP penalties), to determine its ability to pay potential penalty payment obligations associated with its CSO within the applicable Capacity CCP, over a forward-looking rolling six months. “Low risk” participants will continue to be subject to the current FCM Delivery Financial Assurance methodology; “medium and high risk” participants will be subject to higher collateral requirements (risk adders). ISO-NE proposed a February 1, 2025, effective date for these changes. The changes were considered, but were not supported, by the Participants Committee at its September 5, 2024 meeting (Agenda Item #5). Comments on these changes were due on or before October 9, 2024. [NEPGA](#) filed a protest (protesting the proposed effective date, though not the substance of, the FAP Revisions)⁵⁷ and [NEPOOL](#) filed comments (summarizing consideration of the changes in the stakeholder process). Interventions only were filed by: Calpine, Dominion, ENE, HQ US, National Grid, MA DPU, and Public Citizen. On October 24, as corrected on November 1, 2024, [ISO-NE](#) answered NEPGA’s protest. [NEPGA](#) answered ISO-NE’s answer on November 5, 2024. On November 15, [ISO-NE](#) answered NEPGA’s November 5 answer. This

⁵³ See Notice of Extension of Time, *ISO New England Inc.*, Docket Nos. ER22-2467-000 and ER22-2468-000 (Nov. 19, 2024) (extending by 14 days, to Nov. 26, 2024, the compliance deadline set forth in the *Phase I/II HVDC-TF Order 881 Compliance Order*).

⁵⁴ The “Asset Owners” are, collectively: New England Hydro-Transmission Elec. Co., Inc.; New England Hydro-Transmission Corp.; New England Elec. Transmission Corp.; and Vermont Elec. Transmission Co.

⁵⁵ The “Schedule 20A Service Providers” are the public utilities that provide transmission service under Schedule 20A to the ISO-NE OATT.

⁵⁶ *ISO New England Inc.*, 183 FERC ¶ 61,179 (June 15, 2023) (“*Phase I/II HVDC-TF Order 881 Compliance Order*”).

⁵⁷ NEPGA asserted that the FAP Revisions, if applied as requested beginning on June 1, 2025, would alter the legal requirements associated with CSOs in violation of the filed rate doctrine, and would decrease confidence in the stability and predictability of the wholesale markets, undermining reliability in New England. Accordingly, NEPGA asked that the FAP Revisions be made effective June 1, 2028 (i.e., the first day of the FCA19 CCP).

matter is pending before the FERC. If you have any questions concerning this proceeding, please contact Rosendo Garza (860-275-0660; rgarza@daypitney.com).

- **Updates to Non-Commercial Capacity FA Amount Multiplier (ER24-3040)**

On November 12 2024, the FERC accepted FAP revisions that: (i) ensure that the post-auction Non-Commercial Capacity Financial Assurance (“NCCFA”) Multiplier continues to increase annually during the three-year delay of the next FCA; (ii) ensure that the formula for calculating the NCCFA Amount directly before an FCA (“pre-auction NCCFA Amount”) remains generally consistent with the formula for calculating NCCFA required upon completion of an FCA (“post-auction NCCFA Amount”), and (iii) eliminate an NCCFA provision which is no longer relevant due to the passage of time (“ministerial revision”).⁵⁸ The changes were accepted effective November 13, 2024, as requested. Unless the November 12, 2024 order is challenged, this proceeding will be concluded. If you have any questions concerning this proceeding, please contact Rosendo Garza (860-275-0660; rgarza@daypitney.com).

VI. Schedule 20/21/22/23 Changes & Agreements

- **Schedule 21-ES: Essential Power MA/NSTAR/ISO-NE LSA (ER25-429)**

On November 14, 2024, NSTAR and ISO-NE filed a non-conforming⁵⁹ Local Service Agreement (“LSA”) with Essential Power Massachusetts, Inc. for firm Local Point-to-Point Service to Essential Power’s 45 MW BESS Large Generating Facility located in West Springfield, MA (“West Springfield Project”). An October 15, 2024 effective date for the LSA was requested. Comments on the LSA filing are due on or before **December 5, 2024**. If you have any questions concerning this proceeding, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **Schedule 21-RIE: Revisions (ER25-347)**

On November 1, 2024, RI Energy submitted revisions to Schedule 21-RIE (“RIE Revisions”) to, among other things: (i) clarify the function of the meter surcharge calculation contained in Attachment OCC, Exhibit 3; (ii) align the exhibit numbers with the corresponding excel spreadsheet titles in Attachment OCC, Exhibits 4 and 5; (iii) add a definition for “Primary Revenue Credit” to Attachment RR, Exhibit 1; (iv) amend the definition for “Primary Related Accumulated Deferred Income Taxes” contained in Attachment RR, Exhibit 1; (v) revise Attachment OCC Exhibit 4 to include ISO-NE expenses in Line 6; and (vi) amending Attachment RR, Exhibit 2, to clarify the function of the (Excess)/Deficient Accumulated Deferred Income Tax (“ADIT”) calculation. RI Energy requested a January 1, 2025 effective date for the RIE Revisions. Comments on this filing were due on or before November 22, 2024; none were filed. This matter is now pending before the FERC. If you have any questions concerning this proceeding, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **Schedule 21-GMP: GMP-Hardwick NITSA Notice of Cancellation (ER25-298)**

On October 30, 2024, GMP submitted a notice of cancellation of the Network Integration Transmission Service Agreement and Local Operating Agreement (“NITSA”) with the Village of Hardwick Electric Department (“Hardwick”) filed under Schedule 21-GMP. GMP reported that, as of June 30, 2024, Hardwick is no longer taking service pursuant to the NITSA. GMP requested that the FERC grant waiver of its notice requirement⁶⁰ to

⁵⁸ *ISO New England Inc.*, Docket No. ER24-3040-000 (Nov. 12, 2024) (unpublished letter order).

⁵⁹ The LSA is non-conforming in that it contains provisions reflecting a long-standing agreement between NSTAR and Essential Power, including a discounted rate. Although NSTAR believes that the discounted rate provisions may not trigger a Section 205 filing requirement, NSTAR nevertheless requested that the LSA be accepted for filing without any determination whether the LSA needed to be submitted in the first instance.

⁶⁰ 18 CFR § 35.11 (which permits, upon application and for good cause shown, the FERC to allow a rate schedule, tariff, service agreement, or a part thereof, to become effective as of a date prior to the date of filing or the date such change would otherwise become effective in accordance with the FERC’s rules (e.g. 60 days after filing)). FERC policy is to deny waiver of the prior notice requirement when an agreement for new service is filed on or after the date that services commence, absent a showing of extraordinary circumstances.

the extent necessary to permit a requested June 30, 2024 effective date. Comments on this filing were due on or before November 20, 2024; none were filed. This matter is now pending before the FERC. If you have any questions concerning this proceeding, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **Schedule 22: ISO-NE/CMP/Andro Hydro LGIA (ER24-2970)**

On September 4, 2024, as corrected on October 28, 2024,⁶¹ ISO-NE and CMP filed a revised LGIA with Andro Hydro to clarify the relationship between Andro Hydro (Interconnection Customer) and JGT2 Redevelopment LLC (“JGT2”), the owner of a closed paper mill located on Andro Hydro’s side of the interconnection, and the status of the Interconnection Facilities governed by the LGIA. While the LGIA is based on the Schedule 22 *pro forma* LGIA, it contains limited revisions that are necessary given the Large Generating Facility’s unique interconnection to the system, including the interconnection of its facility through shared facilities co-owned, and used by, JGT2 Redevelopment LLC to serve its own load,⁶² thus making it non-conforming and requiring it to be filed with the FERC. The Parties requested an August 8, 2024 effective date (the date on which all of the parties to the LGIA executed the agreement). Initial comments on the LGIA filing were due on or before September 25, 2024; none were filed. With the correction filed on October 28, a second comment period was established, with any comments due on or before November 18, 2024; no comments were submitted by the second comment deadline. This matter is pending before the FERC. If you have any questions concerning this proceeding, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **Schedule 21-VP: Versant/Jonesboro LSA (ER24-24)**

As previously reported, the FERC accepted for filing a LSA by and among Versant, ISO-NE, NE Renewable Power, and Jonesboro, LLC (“Jonesboro”), effective *December 4, 2023*, but denied waiver of the FERC’s 60-day prior notice requirement for the filing.⁶³ The FERC found that the Filing Parties did not make the required showing of extraordinary circumstances to warrant waiver of the prior filing requirement. Accordingly, the FERC directed the Filing Parties (i) to refund the time value of revenues collected for the time period the rate was collected without FERC authorization, with refunds limited so as not to cause Filing Parties to operate at a loss (“Time Value Refunds”); and (ii) to file a refund report, including information supporting calculation of the Time Value Refunds.

Time Value Refunds Report. On December 18, 2023, Versant Power filed a refund report (“Report”) detailing the Time Value Refunds it paid to NE Renewable Power and Jonesboro on December 15, 2023. Comments on the Report were due on or before January 8, 2024; none were filed. The Report remains pending before the FERC. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **Schedule 21-GMP: National Grid/Green Mountain Power LSA (ER23-2804)**

As previously reported, ISO-NE and New England Power (“National Grid”, and together with ISO-NE, the “Filing Parties”) filed on September 11, 2023, a 20-year LSA by and among National Grid, ISO-NE and Green Mountain Power (“GMP”).⁶⁴ The Filing Parties stated that the LSA conformed to the *pro forma* LSA contained in the ISO-NE Tariff and superseded and replaced another conforming LSA among ISO-NE, National Grid, and GMP that listed an expiration date of September 30, 2022 (TSA-NEP-25). The Parties requested that the FERC

⁶¹ The October 28 filing corrects an administrative error that resulted in the redlined and clean versions of the LGIA being inconsistent with one another. A corrected version of the LGIA was being submitted and noticed for public comment.

⁶² The original non-conforming LGIA was filed in Docket No. ER24-1477. Reporting on that docket has concluded as the Filing Parties indicated that filing will be withdrawn upon action on this instant filing. Details concerning Docket No. ER24-1477 can be found in the last Report.

⁶³ *ISO New England Inc.*, Docket No. ER24-24-000 (Nov. 30, 2023) (unpublished letter order).

⁶⁴ The LSA was designated as Service Agreement No. TSA-NEP-114 under the ISO-NE OATT.

grant waiver of its notice requirement⁶⁵ to the extent necessary to permit a requested October 21, 2022 effective date. The LSA was filed separately given that requested effective date.

LSA Accepted; Waiver of Prior Filing Requirement Denied; Time Value Refunds Ordered. Similar to the Versant/Jonesboro proceeding (see ER24-24 above), the FERC accepted the National Grid/GMP LSA for filing, effective *November 11, 2023*, but denied waiver of the FERC's 60-day prior notice requirement for the filing.⁶⁶ The FERC found that the Filing Parties did not make the required showing of extraordinary circumstances to warrant waiver of the prior filing requirement. Accordingly, the FERC directed the Filing Parties to make Time Value Refunds. On December 4, 2023, Filing Parties requested, and on December 6, 2023 the FERC granted, a 45-day extension of time (to January 22, 2024) to make the Time Value Refunds, with the corresponding refund report to be filed no later than February 21, 2024.

Time Value Refunds Report. On February 21, 2024, National Grid filed a refund report ("Report") detailing the Time Value Refunds National Grid paid to GMP on January 22, 2024. Comments on the Report were due on or before March 13, 2024; none were filed. The Report remains pending before the FERC. If you have any questions concerning these matters, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **Schedule 21-VP: Versant/Black Bear LSAs (ER23-2035)**

On July 28, 2023, the FERC accepted seven fully executed, non-conforming LSAs by and among Versant Power, ISO-NE and Black Bear Hydro Partners, LLC or Black Bear SO, LLC (together with Black Bear Hydro Partners, "Black Bear").⁶⁷ The service agreements are based on the Form of Local Service Agreement contained in Schedule 21-Common under the ISO-NE OATT, but were filed because they are non-conforming insofar as they reflect different rates from those set forth in Schedule 21-VP. The LSAs were accepted for filing effective *August 1, 2023*, rather than January 1, 2021 as requested, triggering a Time Value Refund requirement.⁶⁸ On August 29, 2023, Versant submitted a Refund Report detailing the Time Value Refunds it paid to Black Bear Hydro Partners, LLC and Black Bear SO, LLC on August 18, 2023. Comments on the Refund Report were due on or before September 19, 2023; none were filed. The Refund Report remains pending before the FERC. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **Schedule 21-VP: 2022 Annual Update Settlement Agreement (ER20-2054-003)**

On August 29, 2023, Versant submitted a Joint Offer of Settlement ("Versant 2022 Annual Update Settlement Agreement") between itself and the MPUC. Versant stated that, if approved, the 2022 Annual Update Settlement Agreement would resolve all issues raised by the MPUC with respect to the 2022 Annual Update. Comments on the Versant 2022 Annual Update Settlement Agreement were due on or before September 19, 2023; none were filed. MPUC intervened doc-lessly on September 15, 2023. This matter remains pending before the FERC. If you have any questions concerning this proceeding, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

⁶⁵ 18 CFR § 35.11 (which permits, upon application and for good cause shown, the FERC to allow a rate schedule, tariff, service agreement, or a part thereof, to become effective as of a date prior to the date of filing or the date such change would otherwise become effective in accordance with the FERC's rules (e.g. 60 days after filing)). FERC policy is to deny waiver of the prior notice requirement when an agreement for new service is filed on or after the date that services commence, absent a showing of extraordinary circumstances.

⁶⁶ *ISO New England Inc.*, Docket No. ER23-2804-000 (Nov. 7, 2023) (unpublished letter order).

⁶⁷ *ISO New England Inc.*, Docket No. ER23-2035-000 (July 28, 2023) ("*Versant Black Bear LSAs Order*").

⁶⁸ The FERC denied the requested waiver of its 60-day prior notice requirement (18 C.F.R. § 35.11), finding that the Filing Parties did not make an adequate showing of extraordinary circumstances. Accordingly, Versant was required to refund the time value of revenues collected for the time period the rate was collected without FERC authorization (with refunds limited so as not to cause Versant to operate at a loss) and file a refund report with the FERC.

VII. NEPOOL Agreement/Participants Agreement Amendments

No Activities to Report

VIII. Regional Reports⁶⁹

- **Capital Projects Report – 2024 Q3 (ER25-125)**

On October 15, 2024, ISO-NE filed its Capital Projects Report and Unamortized Cost Schedule covering the third quarter (“Q3”) of calendar year 2024 (the “Q3 Report”). 2024 Q3 Report highlights include:

- One new project -- Automatic Ring Down Circuit Continuity Modernization and Reliability Enhancements (\$300,000);
- Two projects with significant changes: (i) Energy Management System Short-Term Load Forecast Replacement (increased in 2024 by \$327,300); and (ii) IT Asset Workflow Integration and Updates (2024 budget increased by \$116,400); and
- Three projects completed in Q2: (i) Settlement Technology Improvements; (ii) Control Room Voice Recorder Update; and (iii) On Call Notification Systems. Each cost less than planned.

Comments on the Report were due on or before November 5, 2024. On October 21, 2024, NEPOOL submitted comments supporting the Q3 Report. National Grid intervened doc-lessly. This matter remains pending before the FERC. If you have any questions concerning this matter, please contact Rosendo Garza (860-275-0660; rgarza@daypitney.com).

- **IMM Quarterly Markets Reports: Summer 2024 (ZZ24-4)**

On November 25, 2024, the IMM filed with the FERC its Summer 2024 report of “market data regularly collected by [the IMM] in the course of carrying out its functions under ... Appendix A and analysis of such market data,” as required pursuant to Section 12.2.2 of Appendix A to Market Rule 1. These filings are not noticed for public comment by the FERC. The Summer Report will be discussed with the Markets Committee at the Markets Committee’s December annual meeting.

- **Interconnection Study Metrics Processing Time Exceedance Report Q3 2022 (ER19-1951)**

On November 14, 2024, ISO-NE filed, as required,⁷⁰ public and confidential versions⁷¹ of its Interconnection Study Metrics Processing Time Exceedance Report (the “Exceedance Report”) for the Third Quarter of 2024 (“2024 Q3”). ISO-NE reported that with respect to:

⁶⁹ Reporting on the *Opinion 531* Refund Reports (EL11-66) has been suspended and will be continued if and when there is new activity to report.

⁷⁰ Under section 3.5.4 of ISO-NE’s Large Generator Interconnection Procedures (“LGIP”), ISO-NE must submit an informational report to the FERC describing each study that exceeds its Interconnection Study deadline, the basis for the delay, and any steps taken to remedy the issue and prevent such delays in the future. The Exceedance Report must be filed within 45 days of the end of the calendar quarter, and ISO-NE must continue to report the information until it reports four consecutive quarters where the delayed amounts do not exceed 25 percent of all the studies conducted for any study type in two consecutive quarters.

⁷¹ ISO-NE requested that the information contained in Section 3 of the un-redacted version of the Exceedance Report, which contains detailed information regarding ongoing Interconnection Studies and if released could harm or prejudice the competitive position of the Interconnection Customer, be treated as confidential under FERC regulations.

- ◆ **Interconnection Feasibility Study (“IFS”) Reports**
 - Three of the 2024 Q3 IFS Reports delivered to Interconnection Customers were delivered later than the best efforts completion timeline (90 days from the Interconnection Customer’s execution of the study agreement).
 - 33 IFS Reports not yet completed have exceeded the 90-day completion expectation.
 - The average mean time from ISO-NE’s receipt of the executed IFS Agreement to delivery of the completed IFS report to the Interconnection Customer was 420.67 days (roughly 120 days longer than in 2024 Q2).

- ◆ **System Impact Study (“SIS”) Reports**
 - 7 SIS Reports delivered to Interconnection Customers were delivered later than the best efforts completion timeline of 270 days.
 - 29 SIS Studies that are not yet completed have exceeded the 270-day completion expectation.
 - The average mean time from ISO-NE’s receipt of the executed SIS Agreement to delivery of the completed SIS report to the Interconnection Customer was 633.6 days (a decrease of roughly 215 days from 2024 Q2).

- ◆ **Facility Study Reports**
 - There were no Facility Study reports delivered to an Interconnection Customers and three Facility Studies are in process that have exceeded completion expectations.

Section 4 of the Report identified steps ISO-NE has identified to remedy issues and prevent future delays, including modifying the standard scope of the Feasibility Study, mitigating the impact of backlogs and initiating clustering, moving to earlier in the process certain Interconnection Customer data reviews, and standardizing cost estimate development timelines for Interconnection Studies.

- **ISO-NE FERC Form 3Q (2024/Q3) (not docketed)**

On November 18, 2024, ISO-NE submitted its 2024/Q3 FERC Form 3Q (Quarterly financial report of electric utilities, licensees, and natural gas companies). FERC Form 3-Q is a quarterly regulatory requirement which supplements the annual FERC Form 1 financial reporting requirement. These filings are not noticed for comment.

IX. Membership Filings

Questions concerning any of the Membership Filings can be directed to Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **November 2024 Membership Filing (ER25-296)**

On October 31, 2024, NEPOOL requested that the FERC accept the termination of the Participant status of ProGrid Ventures and Palm Energy. Comments on this filing were due on or before November 21, 2024; none were filed. This matter is pending before the FERC.

- **October 2024 Membership Filing (ER24-3139)**

On November 27, 2024, the FERC accepted: (i) the following Applicant’s membership in NEPOOL as of October 1, 2024: Castleton Commodities Energy Services LLC and Castleton Commodities Energy Trading LLC [Related Persons to Castleton Commodities Merchant Trading (Supplier Sector)]; Alan Sliski (End User Sector, Governance Only Member); and Stony Creek Energy LLC [Related Person to Invenergy Energy Management

(Supplier Sector)); and (ii) the termination of the Participant status of Gas Recovery Systems.⁷² Unless the November 27 order is challenged, this proceeding will be concluded.

X. Misc. - ERO Rules, Filings; Reliability Standards⁷³

Questions concerning any of the ERO Reliability Standards or related rule-making proceedings or filings can be directed to Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **Revised Reliability Standard: PRC-030-1 (RD25-3)**

On November 4, 2024, NERC filed for approval, in response to the requirements of *Order 901*,⁷⁴ revisions to Reliability Standard PRC-030-1 (Unexpected Inverter-Based Resource Event Mitigation) to require Generator Owners to identify, analyze, and mitigate Inverter-Based Resources (“IBR”) performance issues. NERC stated that “PRC-030-1 addresses the need for Corrective Action Plans to reduce poor IBR ride-through performance from exacerbating system disturbances, as demonstrated by multiple event reports of the last decade, while providing a reasonable period for entities to develop and implement new processes to meet the new requirements.” Comments on this filing were due on or before December 4, 2024; none were filed. Calpine, Dominion, Eversource, ACPA, North Carolina Electric Membership Corporation (“NCEMC”), Orsted Wind, and the Solar Energy Industries Association intervened doc-lessly. This matter is pending before the FERC.

- **Revised Reliability Standards: PRC-028-1 and PRC-002-5 (Disturbance Monitoring) (RD25-2)**

On November 4, 2024, NERC filed for approval, also in response to the requirements of *Order 901*, revisions to Reliability Standards PRC-028-1 and PRC-002-5 to ensure that adequate data from both synchronous generating resources and IBRs is available to facilitate the analysis of disturbances on the Bulk-Power System, and that adequate data is available from IBRs to evaluate ride-through performance during disturbances. Comments on this filing were due on or before December 4, 2024; none were filed. Calpine, Dominion, Eversource, Invenegy Renewables, ACPA, NCEMC, Orsted Wind, and SEIA intervened doc-lessly. This matter is pending before the FERC.

- **Addition of “Inverter-Based Resource” to NERC Glossary of Terms (RD25-1)**

On November 4, 2024, NERC filed for approval a new definition of the term “Inverter-Based Resource” (“IBR”) for inclusion in the Glossary of Terms used in NERC Reliability Standards. The proposed definition is as follows:

Inverter-Based Resource: A plant/facility consisting of individual devices that are capable of exporting Real Power through a power electronic interface(s) such as an inverter or converter, and that are operated together as a single resource at a common point of interconnection to the electric system. Examples include, but are not limited to, plants/facilities with solar photovoltaic (PV), Type 3 and Type 4 wind, battery energy storage system (BESS), and fuel cell devices.

NERC asked that the definition of IBR become effective on the first day of the first calendar quarter following FERC approval. Comments on this filing were due on or before December 4, 2024; none were filed. Calpine, Dominion, Eversource, Invenegy Renewables, ACPA, NCEMC, Orsted Wind, RENEW Northeast, and SEIA intervened doc-lessly. This matter is pending before the FERC.

⁷² *New England Power Pool Participants Comm.*, Docket No. ER24-3139 (Nov. 27, 2024) (unpublished letter order).

⁷³ Reporting on the following ERO Reliability Standards or related rule-making proceedings has been suspended since the last Report and will be continued if and when there is new activity to report: NERC Report on Evaluation of Physical Reliability Standard (CIP-014) (RD23-2); *Order 901*: IBR Reliability Standards (RM22-12); and 2024 Reliability Standards Development Plan (RM05-17 *et al.*).

⁷⁴ *Reliability Standards to Address Inverter-Based Resources*, Order No. 901, 185 FERC ¶ 61,042 at P 229 (2023) (“*Order 901*”).

- **Revised Reliability Standards: PRC-029-1 and PRC-024-4 (RM25-3)**

On November 4, 2024, NERC filed for approval, in response to the requirements of *Order 901*, revisions to Reliability Standards PRC-029-1 and PRC-029-4, as well as a proposed change to the Glossary definition of “Ride-through” to establish voltage and frequency ride-through criteria for Generator Owners of IBRs to continue to inject current and perform voltage support during a BPS disturbance and prohibit momentary cessation in the no-trip zone during disturbances. As of the date of this Report, while the FERC docketed these changes in an “RM” docket (unlike the “RD” dockets assigned to the other three November 4 filings), the FERC has not noticed a proposed rulemaking proceeding or otherwise invited public comment. Nevertheless, since the last Report, Eversource, ACPA, NCEMC, Orsted Wind, and SEIA intervened doc-lessly.

- **Revised Reliability Standards: CIP-002-7 through CIP-013-3 (Virtualization) (RM24-8)**

On July 10, 2024, NERC filed for approval 11 revised Critical Infrastructure Protection (“CIP”) Reliability Standards,⁷⁵ as well as 18 new or revised definitions for inclusion in NERC’s Glossary,⁷⁶ to facilitate the full implementation of virtualization and to address the risks associated with virtualized environments. The proposed CIP Reliability Standards would permit Responsible Entities with more “traditional” architecture to continue with their current configurations. As of the date of this Report, the FERC still has not yet noticed a proposed rulemaking proceeding or otherwise invited public comment.

- **NOPR: CIP-015-1 (Cyber Security – Internal Network Security Monitoring) (RM24-7)**

On September 19, 2024, the FERC issued a NOPR⁷⁷ proposing to approve Reliability Standard CIP-015-1 (Cyber Security – Internal Network Security Monitoring) and to direct that NERC develop certain modifications to CIP-015-1 to extend internal network security monitoring (“INSM”) to include electronic access control or monitoring systems and physical access control systems outside of the electronic security perimeter. Comments on the NOPR were filed by [NERC](#), [NESCOE](#), the [IRC](#), [APPA](#), and [Open Policy](#). This matter is pending before the FERC.

- **NOPR: Supply Chain Risk Reliability Standards (RM24-4)**

Also on September 19, 2024, the FERC issued a NOPR proposing to direct NERC to develop and submit for FERC approval new or modified Reliability Standards that address the sufficiency of responsible entities’ supply chain risk management plans related to the identification of, assessment of, and response to supply chain risks, and applicability of Reliability Standards’ supply chain protections to protected cyber assets.⁷⁸ Comments on the NOPR were due on or before December 2, 2024⁷⁹ and were filed by, among others: [NERC and its Regional Entities](#), [NESCOE](#), [BPA](#), [APPA/LPPC](#), [EEI](#), [North American Transmission Forum](#), [National Electrical Manufacturers Association](#), and [Secure the Grid](#). This matter is pending before the FERC.

⁷⁵ The revised Cyber Security Standards are: CIP-002-7 (BES Cyber System Categorization); CIP-003-10 (Security Management Controls); CIP-004-8 (Personnel & Training); CIP-005-8 (Electronic Security Perimeter(s)); CIP-006-7 (Physical Security of BES Cyber Systems); CIP-007-7 (Systems Security Management); CIP-008-7 (Incident Reporting and Response Planning); CIP-009-7 (Recovery Plans for BES Cyber Systems); CIP-010-5 (Configuration Change Management and Vulnerability Assessments); CIP-011-4 (Information Protection); and CIP-013-3 (Supply Chain Risk Management).

⁷⁶ The new and/or revised Glossary Terms are: BES Cyber Asset (“BCA”), BES Cyber System (“BCS”), BES Cyber System Information (“BCSI”), CIP Senior Manager, Cyber Assets, Cyber Security Incident, Cyber System, Electronic Access Point (“EAP”); External Routable Connectivity (“ERC”), Electronic Security Perimeter (“ESP”), Interactive Remote Access (“IRA”), Intermediate System, Management Interface, Physical Access Control Systems (“PACS”), Physical Security Perimeter (“PSP”), Protected Cyber Asset (“PCA”), Removable Media, Reportable Cyber Security Incident, Shared Cyber Infrastructure (“SCI”), Transient Cyber Asset (“TCA”), and Virtual Cyber Asset (“VCA”).

⁷⁷ *Critical Infrastructure Protection Reliability Standard CIP-015-1 – Cyber Security – Internal Network Security Monitoring*, 188 FERC ¶ 61,175 (Sep. 19, 2024) (“CIP-015 INSM NOPR”).

⁷⁸ *Supply Chain Risk Management Reliability Standards Revisions*, 188 FERC ¶ 61,174 (Sep. 19, 2024) (“Supply Chain Risk Standards NOPR”).

⁷⁹ The *Supply Chain Risk Standards NOPR* was published in the *Fed. Reg.* on Oct. 1, 2024 (Vol. 89, No. 190) pp. 79,794-79,804.

- **Report of Comparisons of 2023 Budgeted to Actual Costs for NERC and the Regional Entities (RR24-3)**

On November 21, 2024, the FERC accepted for filing NERC's 2023 annual comparisons of actual to budgeted costs for NERC and the six Regional Entities operating in 2023,⁸⁰ including NPCC.⁸¹ As previously reported, the Report included comparisons of actual funding received and costs incurred, with explanations of significant actual cost-to-budget variances, audited financial statements, and tables showing metrics concerning NERC and Regional Entity administrative costs in their 2023 budgets and actual results. Unless the November 21 order is challenged, this proceeding will be concluded.

- **IBR ROP Compliance Filing (RR24-2)**

On October 30, 2024, the FERC accepted NERC's compliance filing clarifying that the term "generating resources" as used in the ROP Appendices 2 and 5B definitions of Generator Operator ("GOP") and Generator Owner ("GO") (i) includes those IBRs that provide energy for load, including resources that are battery energy storage systems ("BESS") or fuel cells; and (ii) excludes those resources that only perform transmission functions.⁸² The October 30, 2024 was not challenged and is final and unappealable. This concluded reporting on this matter.

XI. Misc. - of Regional Interest

- **203 Application: RISEC/Shell (EC25-14)**

On October 24, 2024, Rhode Island State Energy Center, LP ("RISEC") and Shell Energy North America (US), L.P. ("Shell" or "Buyer", and together with RISEC, "Applicants") requested authorization for Shell's indirect acquisition of 100% of the ownership interests in RISEC from investment fund vehicles managed/advised by The Carlyle Group. Following consummation of the proposed transaction, RISEC will become a Related Person to Shell and its Related Persons. Comments on this application were due on or before November 14, 2024; none were filed. Public Citizen filed a doc-less motion to intervene. This matter is now pending before the FERC. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **203 Application: Carlyle Group (Nautilus)/Q-Generation (Trafigura) (EC24-114)**

On November 21, 2024, the FERC authorized Q-Generation Partner's acquisition of 100% of the interests of CPP II Master Holdco, LLC ("CPP II"), a company indirectly owned by investment fund vehicles managed/advised by The Carlyle Group.⁸³ As previously reported, following consummation of the proposed transaction, the ISO-NE Companies⁸⁴ will no longer be Related Persons to The Carlyle Group and will become Related Persons to Trafigura Trading LLC (whose upstream parent will own or control more than 10% of the equity interests in Q-Generation Partners). Following consummation of the proposed transaction, the ISO-NE Companies will no longer be Related Persons to The Carlyle Group and will become Related Persons to Trafigura Trading LLC (whose upstream parent will own or control more than 10% of the equity interests in Q-Generation Partners). A notice of consummation must be filed within 10 days of the date of consummation (which as of the date of this Report has not been filed). If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **TSAs: Fourth Amendments to NECEC Transmission TSAs (ER25-261 et al.)**

On October 29, 2024, NECEC Transmission filed executed fourth amendments to 7 of its previously-filed and accepted, cost-based transmission service agreements ("TSAs") with the participants that will fund

⁸⁰ Midwest Rel. Org. ("MRO"), Northeast Power Coordinating Council, Inc. ("NPCC"), ReliabilityFirst Corp. ("ReliabilityFirst"), SERC Rel. Corp. ("SERC"), Texas Rel. Entity, Inc. ("Texas RE"), and Western Elec. Coordinating Council ("WECC").

⁸¹ *N. Am. Elec. Reliability Corp.*, Docket No. RR24-3-000 (Nov. 21, 2024).

⁸² *N. Am. Elec. Reliability Corp.*, Docket No. RR24-2-001 (Oct. 30, 2024).

⁸³ *Bridgeport Energy LLC et al.*, 189 FERC 61,129 (Nov. 21, 2024).

⁸⁴ "ISO-NE Companies" include: Nautilus Power, Bridgeport Energy LLC; Essential Power Massachusetts, LLC; Essential Power Newington, LLC; Rumford Power LLC; and Tiverton Power LLC.

the construction, operation and maintenance of the New England Clean Energy Connect Project.⁸⁵ The amendments are intended to (i) extend critical milestone dates set forth in the TSAs and (ii) amend the changes to applicable law provisions set forth in the TSAs. An October 30, 2024 effective date was requested. Comments on the fourth amendments were due on or before November 19, 2024; none were filed. Eversource, National Grid, and the MA DPU intervened doc-lessly. This matter is pending before the FERC. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **UI Rate Incentives for Fairfield to Congress 115kV Railroad Project (ER25-167)**

On October 21, 2024, UI requested approval, effective December 21, 2024, for a Construction Work in Progress (“CWIP”) Incentive and an Abandoned Plant Incentive (together, the “Incentives”) in connection with its Fairfield to Congress 115kV Railroad Project (the “Project”). The Project is a transmission line rebuild project in Fairfield, CT and Bridgeport, CT that includes the relocation of transmission lines from 7.3 miles of the existing Connecticut Department of Transportation’s Metro-North Railroad corridor and a rebuild of a 115-kV transmission line along 0.23 miles of existing UI right-of-way to allow interconnection of the rebuilt facilities with UI’s existing Ash Creek, Resco, Pequonnock, and Congress Street substations. The Project was identified in the March 2023 RSP Asset Condition List as PTF that must be rebuilt or modified due to its condition, age, or physical deterioration to comply with National Electrical Safety Code standards. The Project revenue requirement will be charged to RNS pursuant to Schedule 9 of the ISO-NE Tariff. Comments on the Project filing were due by November 12, 2024. In a [Joint Protest](#), the CT Office of Consumer Counsel (“CT OCC”), Maine Office of the Public Advocate (“ME OPA”), MA AG, and NH Office of the Consumer Advocate (“NH OCA”) asked the FERC to deny the requested Incentives. On November 26, [UI answered](#) the Joint Protest. UI’s Incentives request is now pending before the FERC. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **LCCSA Amendment: National Grid (Termination of RIE/BIPCO/PUD Participation) (ER25-88)**

On October 11, 2024, New England Power (“National Grid”) filed an amended Local Control Center Services Agreement (“LCCSA”) to reflect the termination of the participation of RI Energy, Block Island Power Company (“BIPCO”) and Pascoag Utility District (“Pascoag”), the three parties to a [successor LCCSA](#) recently accepted by the FERC in ER24-2390). An effective date of May 30, 2024 was requested. Comments on this filing were due on or before November 1, 2024; none were filed. RI Energy filed a doc-less motion to intervene. This matter remains pending before the FERC. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **D&E Agreement: NSTAR / Vicinity Energy Boston (ER25-49)**

On October 7, 2024, NSTAR filed a Design and Engineering Agreement (“D&E Agreement”) between itself and Vicinity Energy Boston, Inc. (“Vicinity”) to initiate the D&E process required to develop a non-binding cost estimate for the development of Kneeland Substation, which will incorporate Vicinity’s proposed 100 MW electrode boiler load into the overall design, at Vicinity’s expense. Comments on the D&E Agreement were due on or before October 28, 2024; none were filed. This matter remains pending before the FERC. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **Wholesale Distribution Access Tariffs – CL&P (ER24-3153) and NSTAR (ER24-3154)**

On November 27, 2024, the FERC accepted two new Wholesale Distribution Access Tariffs (each a “WDAT”), filed by Eversource for CL&P (ER24-3153) and NSTAR (ER24-3154), respectively, to provide for the recovery, of costs associated with the provision of Wholesale Distribution Service (“WDS”) to customers who own electric energy storage systems (“ESS”) connected to their respective distribution systems.⁸⁶ As previously

⁸⁵ The third amendments to the 7 TSAs were separately docketed as follows: Eversource (ER21-2738); National Grid (ER21-2739); Unitil (ER21-2742); HQUS/Eversource (ER21-2743); HQUS/National Grid (ER21-2744); HQUS/Unitil (ER21-2745); and HQUS Additional (ER21-2747).

⁸⁶ *Connecticut Light & Power Co. and NSTAR Electric Co.*, 189 FERC ¶ 61,152 (Nov. 27, 2024) (“Eversource WDTs Order”).

explained, each WDAT allows such customers to utilize the companies' distribution system when charging their ESS for the purpose of participating in the wholesale (New England) market. In response to comments filed by the Alliance for Climate Transition ("ACT"), the FERC noted that Eversource had met its burden to demonstrate its proposal is just and reasonable.⁸⁷ The WDATs were accepted effective *December 1, 2024*, as requested. Unless the Eversource WDTs Order is challenged, with any challenges due on or before **December 27, 2024**, this proceeding will be concluded. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **Construction Services Agreement Cancellation: NEP/WMECO (ER24-3056)**

On November 13, 2024, the FERC accepted NEP's notice of cancellation of its Construction Services Agreement ("CSA") with Western Massachusetts Electric Company ("WMECO") pursuant to which NEP performed work to facilitate the interconnection of a 15 MW facility to WMECO's distribution system.⁸⁸ As previously reported, the CSA is no longer required because all work pursuant to the CSA is complete and all invoices for that work paid. The notice of cancellation was accepted effective *November 16, 2024*, as requested. Unless the November 16 order is challenged, this proceeding will be concluded. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **Wholesale Distribution Tariff – UI (ER24-2939)**

On August 30, 2024, UI filed a new Wholesale Distribution Access Tariff ("WDAT") to provide for UI's recovery of costs associated with the provision of Wholesale Distribution Service ("WDS") to customers who own front-of-the-meter ("FTM"), distribution-connected battery energy storage systems ("BESS") connected to UI's distribution systems and participate in the ISO-NE markets. The proposed Wholesale Distribution Tariff will enable UI to provide the WDS necessary to facilitate BESS resources' participation in the ISO-NE markets via distribution facilities owned by UI, consistent with FERC *Orders 841* and *2222* and Connecticut's ESS Program.⁸⁹ An October 30, 2024 effective date was requested. Comments on the UI WDAT were due on or before September 20, 2024. Supportive comments and were filed by [ACT](#) (but requesting clarifications, supporting data, and additional information as to how UI proposes to measure and bill for demand-related charges when a BESS is providing ancillary services in response to ISO-NE dispatch instructions) and [Elevate Renewable F7, LLC](#) (but offering proposed clarifications to improve customer understanding). Interventions were filed by Agilitas, Eversource, and New Leaf. On October 7, 2024, UI answered the comments submitted by ACT and Elevate.

Deficiency Letter. On October 29, 2024, the FERC issued a deficiency letter, seeking additional information required to process this filing, including information regarding the workpapers provided and an explanation as to how UI intends to apply the WDAT's terms and conditions to distribution customers that take service thereunder. UI filed its responses to the deficiency letter on November 27, 2024. Comments on UI's deficiency letter responses are due on or before **December 18, 2024**. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

⁸⁷ *Eversource WDTs Order* at P 31. The FERC did not accept ACT's arguments for a seasonal differentiated rate derived using a probability-of-peal methodology, disagreed that the FERC should direct a uniform method for allowing ESS to participate in wholesale markets, noted that the FERC had not exempted ESS from wholesale distribution charges, and found that arguments regarding interconnection costs were outside the scope of this proceeding. *Id.* at PP 32-36.

⁸⁸ *New England Power Co.*, Docket No. ER24-3056-000 (Nov. 13, 2024) (unpublished letter order).

⁸⁹ The ESS Program provides incentives for residential and commercial customers to install energy storage systems at their homes or businesses. See State of Conn. Pub. Utils. Regul. Auth., PURA Investigation into Distrib. Sys. Plan. of the Elec. Distrib. Cos. – Elec. Storage, Decision, CT PURA Docket No. 17-12-03RE03 at 5, 50 (July 28, 2021), <https://portal.ct.gov/-/media/pura/electric/final-decision-17-12-03re03.pdf>.

- **PJM/PPL/Susquehanna ISA Amendments Related to Increased Co-Located Load (ER24-2172)**

Many have found interesting an order issued by the FERC rejecting, in a 2-1 decision,⁹⁰ an amended Interconnection Service Agreement (“ISA”) among PJM, PPL (the interconnected TO) and Susquehanna Nuclear (the interconnection customer).⁹¹ The amended ISA, covering the interconnection of Sesquehana’s 2,520 MW nuclear facility, proposed modifications to increase the amount of co-located load from 300 MW to 480 MW and to make revisions related to the treatment of the co-located load.⁹²

Opponents of the proposed ISA changes (Exelon and AEP, among others) argued that the proposed changes would raise unresolved questions, could have resulted in unfair cost burdens on ratepayers, and could have negatively impacted market operations and reliability. Notably, Exelon and AEP argued the AWS data center could derive benefits from the transmission system without paying for them (the co-located data center would not be classified as “network load” and therefore would not have been required to pay PJM transmission fees). They also cited previous unplanned outages at the Susquehanna station that led to unintended power withdrawals from the PJM system, such as one from November 2023, questioning how such a withdrawal of power would be properly metered and accurately billed if or when it does occur.

FERC largely agreed with the concerns raised, and rejected PJM’s filing without prejudice, ruling that PJM had not provided sufficient justification for the proposed changes to the ISA (i.e. that the proposed non-conforming provisions in the Amended ISA were necessary deviations from the *pro forma* ISA due to specific reliability concerns, novel legal issues, or other unique factors.)⁹³ It is notable that on the same day the *Susquehanna Co-Located Load Order* was issued, the FERC convened its technical conference on Large Loads Co-Located at Generating Facilities (AD24-11). Challenges to the *Susquehanna Co-Located Load Order* were due on or before December 2, 2024. Susquehanna Nuclear requested rehearing and Vistra requested clarification of the *Susquehanna Co-Located Load Order*. Those requests are pending, with FERC action on the pending requests required on or before **December 20, 2024**, or the requests will be deemed denied by operation of law. If you have any questions concerning this matter, please contact or Sebastian Lombardi (860-275-0663; slombardi@daypitney.com) or Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **Wholesale Distribution Tariffs – National Grid (ER24-2796; ER24-2795)**

On August 16, 2024, National Grid filed two new Wholesale Distribution Tariffs (one for Massachusetts Electric Company (ER24-2796); the other for Nantucket Electric Company (ER24-2795), together the “WDTs”)) to provide for National Grid’s recovery of costs associated with the provision of Wholesale Distribution Service to customers who own qualifying standalone electric energy storage systems connected to National Grid’s distribution system and who charge those resources via deliveries over National Grid’s distribution system for purposes of making wholesale sales through the ISO-NE markets. The proposed WDTs will enable National Grid to provide the services necessary to facilitate ESS resources’ participation in the ISO-NE markets via distribution facilities owned by National Grid, consistent with FERC *Order 841* and the Massachusetts Clean Energy Act. A March 1, 2025 effective date was requested. Comments on these Tariffs were due on or before September 6, 2024. Protests and comments were filed by the MA AG and the Alliance for Climate Transition (“ACT”) (formerly known as the Northeast Clean Energy Council). Agilitas, BlueWave, Engie, Eversource, New Leaf, MA DPU, and MA

⁹⁰ Commissioners Christie and See in favor, Chairman Phillips dissenting, and Commissioners Chang and Rosner not participating.

⁹¹ PJM Interconnection, L.L.C., 189 FERC ¶ 61,078 (Nov. 1, 2024) (“*Susquehanna Co-Located Load Order*”).

⁹² Co-located load refers to end-use customer load that is physically connected to the facilities of an existing or planned customer facility at the point of interconnection to the PJM transmission system. In March, Talen announced the sale of its 960 MW Cumulus data center campus in northeast Pennsylvania to Amazon Web Services (“AWS”), with a long-term agreement to provide power from its Susquehanna plant. The Cumulus campus is directly connected to the two-unit nuclear power plant.

⁹³ *Id.* at P 85.

DOER intervened. On September 23, 2024, National Grid answered the ACT and MA AG comments. On October 4, 2024, ACT answered National Grid's September 23 answer.

WDT Amendments. On November 13, 2024, National Grid filed amendments to each of the WDTs ("WDT Amendments"). The WDAT Amendments include clarifications and update the proposed WDS rates to reflect the retail revenue requirement and Allocated Cost of Service Study approved by the MA DPU in the Companies' retail rate proceeding and subsequent revenue requirement recalculations approved by the MA. Comments on the WDT Amendments are due on or before December 4, 2024; none were filed. This matter is again pending before the FERC. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **Order 2023 Compliance Filing: Versant MPD OATT (ER24-2035)**

Versant Power's MPD OATT Order 2023 Compliance filing remains pending. As previously reported, Versant Power proposed revisions to its *pro forma* LGIP, Large Generator Interconnection Agreement ("LGIA"), SGIP and Small Generator Interconnection Agreement ("SGIA") in the MPD OATT in compliance with *Orders 2023* and *2023-A* in a May 16, 2024 filing. The revised LGIP contains two deviations from *Order 2023-A*. Versant proposes (i) to eliminate the reference to when the transition process will commence and, instead, only reference when it plans to hold its first Cluster Study process on January 1, 2025 language that was previously approved by the FERC in Versant Power's Order No. 845 compliance filing and (ii) to limit the use of surety bonds to those where the surety bond is "issued by an insurer reasonably acceptable to the Transmission Provider" and that "specify a reasonable expiration date." An effective date of January 1, 2025 was requested. Comments were due on or before June 6, 2024; none were filed. As noted, this matter remains pending before the FERC. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **CMP ESF Rate (ER24-1177)**

As previously reported, the FERC accepted, subject to refund and settlement judge procedures, CMP's rate schedule for distribution services for electric storage facilities ("ESFs") seeking to participate in the ISO-NE Market ("ESF Rate").⁹⁴ CMP filed the ESF Rate following re-consideration by the MPUC of the jurisdictional applicability of the ESF rate (which, while it recovers costs associated with the use of local the distribution network, the MPUC found upon re-consideration to include charges related to a FERC-jurisdictional wholesale transaction per *Order 841*). CMP sought in this proceeding to obtain FERC approval of a modified version of the MPUC Rate, with the primary difference between the MPUC Rate and the ESF Rate being the removal of state benefit charges. In the *CMP ESF Rate Order*, the FERC found that CMP's filing had not been shown to be just and reasonable, and raised issues of material fact that could not be resolved based on the record and would be more appropriately addressed in hearing and settlement judge procedures.⁹⁵ Accordingly, the FERC accepted the filing, subject to refund, and established hearing and settlement judge procedures. The FERC denied CMP's request for waiver of the FERC's 60-day prior notice requirement, and accepted the ESF Rate effective April 2, 2024, though, as noted, subject to refund and hearing and settlement judge procedures.⁹⁶ The FERC encouraged efforts to reach settlement before hearing procedures commence and will hold the hearing in abeyance pending the outcome of settlement judge procedures.

Settlement Judge Proceedings. As directed, the Chief ALJ appointed a settlement judge, Judge Jeremy Hessler, to assist participants in settling the issues in this proceeding, and deemed the settlement proceedings continued without further action.⁹⁷ There have been three settlement conferences (May 3, July 17, and September 19, 2024); a fourth settlement conference is scheduled to take place over two days from **December 10-**

⁹⁴ *Central Maine Power Co.*, 187 FERC ¶ 61,002 (Apr. 1, 2024) ("*CMP ESF Rate Order*").

⁹⁵ *Id.* at P 29.

⁹⁶ *Id.*

⁹⁷ *Central Maine Power Co.*, Docket No. ER24-1177-000 (Apr. 5, 2024) (unpublished letter order).

11, 2024. Judge Hessler issued a fourth status report on November 26, 2024, recommending that settlement judge procedures continue. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

XII. Misc. - Administrative & Rulemaking Proceedings⁹⁸

- **Large Loads Co-Located at Generating Facilities (AD24-11)**

On November 1, 2024, the FERC held a Commissioner-led technical conference to explore whether co-located loads require the provision of wholesale transmission or ancillary services, related cost allocation issues, and potential resource adequacy, reliability, affordability, market, and customer impacts. The agenda consisted of 3 panels: Overview of Large Co-Located Load Issues (Panel 1); Exploration of Issues Presented by Large Co-Located Loads (Panel 2); and Roundtable with State Representatives (Panel 3). The list of panelists was included in the third and fourth supplemental notices of the technical conference, issued October 10 and 22, respectively. Speaker statements have been posted to eLibrary. A [recording of the technical conference](#) is available from the FERC's Calendar of Events. Since the last Report, the FERC invited post-technical conference comments to be submitted on or before **December 9, 2024**. A final transcript of the conference was posted to eLibrary on December 3, 2024.

- **Annual Reliability Technical Conference (AD24-10)**

On October 16, 2024, the FERC convened its annual Commissioner-led Reliability Technical Conference to discuss policy issues related to the reliability and security of the Bulk-Power System. The agenda consisted of panels on two topics: Managing Reliability Risks and Challenges (Panel 1); and Resource Adequacy and Expected Load Growth (Panel 2). The technical conference will be open to the public. Advance registration is not required, and there is no fee for attendance. Information will also be posted on the Calendar of Events on the FERC's website prior to the event. In a notice issued on October 28, 2024, the FERC invited those interested to submit post-technical conference comments, on or before November 27, 2024, on the questions presented in the technical conference agenda or on issues raised during the technical conference. Comments were filed by [EPSA](#) and [Tri-State Generation and Transmission Association](#). A final transcript of the October 16 conference was posted to eLibrary on November 19, 2024.

- **Innovations and Efficiencies in Generator Interconnection (AD24-9)**

On September 10-11, 2024, the FERC held a workshop for the presentation and discussion of opportunities for further innovation and increased efficiency in the generator interconnection process. The three September 10 panels addressed: Integrated Transmission Planning and Generator Interconnection, Exploring Different Approaches to Processing and Studying Generator Interconnection Requests, and Prioritizing Certain Generator Interconnection Requests. The three September 11 panels addressed: Further Efficiencies in the Generator Interconnection Process, Automation and Advanced Computing Technologies, and Post-Generator Interconnection Agreement Construction Phase. Panelists materials are posted in the FERC's eLibrary. The FERC invited post-workshop comments and comments were filed by 23 Entities, including by: ISO-NE, AEU, Constellation, Dominion, EEI, Elevate Renewables F7, ENGIE, Environmental Law and Policy Center, Invenergy Transmission, National Grid, New Leaf Energy, Public Interest Organizations, Vistra Corp, RWE Clean Energy, Shell, and SEIA.

- **Joint Federal- State Current Issues Collaborative (AD24-7)**

On November 12, 2024, the Federal and State Current Issues Collaborative ("Collaborative")⁹⁹ held its first public meeting in Anaheim, California. The agenda for the first public meeting included a presentation on

⁹⁸ Reporting on the following administrative proceedings have been suspended and will be continued if and when there is new activity to report: ACPA Petition for Capacity Accreditation Technical Conference (AD23-10); and Reliability Technical Conference (AD23-9).

⁹⁹ *Joint Federal-State Task Force on Elec. Transmission and Federal and State Current Issues Collaborative*, 186 FERC ¶ 61,189 (Mar. 21, 2024) ("*Order Establishing Collaborative*"). The Collaborative will provide a venue for federal and state regulators to share

NARUC's Gas-Electric Alignment for Reliability ("GEAR") Taskforce. On December 4, 2024, the FERC issued a notice inviting all interested persons to file, on or before **January 3, 2025**, post-meeting comments to address issues raised during the meeting. A final transcript of the meeting was also posted on December 4, 2024.

- **ANOPR: Implementation of Dynamic Line Ratings (RM24-6)**

On June 27, 2024, the FERC issued an advanced notice of proposed rulemaking ("ANOPR")¹⁰⁰ seeking comments on both the need for a dynamic line ratings ("DLRs")¹⁰¹ requirement and proposed framework of DLR reforms to improve the accuracy of transmission line ratings. Proposed reforms would require transmission providers to implement, on all transmission lines, DLRs that reflect solar heating, based on the sun's position and forecastable cloud cover, and on certain transmission lines, DLRs that reflect forecasts of wind speed and wind direction. The FERC seeks comments about whether to reflect hourly solar conditions and wind conditions in all transmission line ratings, how transmission congestion levels and environmental factors could identify locations of transmission lines that would most benefit from DLR, and what other technical details of transmission line ratings reflect wind conditions. A more detailed summary of the ANOPR was provided to and reviewed with the Transmission Committee. Comments in response to the ANOPR were due **October 15, 2024**¹⁰² and were filed by nearly 70 parties, including by the following New England parties: [ISO-NE](#), [AEU](#), [Avangrid](#), [Dominion](#), [Eversource](#), [MA AG](#), [National Grid](#), [NESCOE](#), [NextEra](#) (on October 22), [EEI](#), [EPSA](#), [NASUCA](#), [NERC](#), [PIOs](#), [Public Power](#),¹⁰³ [TAPS](#), and [R Street Institute](#). Nine sets of reply comments were filed, including from: [ISO-NE](#), [DC Energy](#), and the [US DOE](#).

- **NOPR: EQR Filing Process and Data Collection (RM23-9)**

On October 19, 2023, the FERC issued a NOPR¹⁰⁴ proposing various changes to current Electric Quarterly Report ("EQR") filing requirements, including both the method of collection and the data being collected. The proposed changes are designed to update the data collection, improve data quality, increase market transparency, decrease costs, over time, of preparing the necessary data for submission, and streamline compliance with any future filing requirements. Among other things, the FERC proposes to implement a new collection method for EQR reporting based on the eXtensible Business Reporting Language ("XBRL")-Comma-Separated Values standard; amend its regulations to require ISO/RTOs to produce reports containing market participant transaction data; and modify or clarify EQR reporting requirements. Requests for additional time to comment on the *EQR NOPR* were filed by EEI/EPSA, the IRC and the Bonneville Power Administration ("BPA"). On December 7, 2023, the FERC extended the deadline for submitting comments to and including February 26, 2024. Comments on the NOPR

perspectives, increase understanding, and, where appropriate, identify potential challenges and coordination on matters that impact specific state and federal regulatory jurisdiction, including (but not limited to) the following: electric reliability and resource adequacy; natural gas-electric coordination; wholesale and retail markets; new technologies and innovations; and infrastructure. The Collaborative will be comprised of all FERC Commissioners as well as representatives from 10 state commissions, who will be nominated for and serve one-year terms from the date of appointment by the FERC. The FERC will issue notices announcing the time, place and agenda for each meeting of the Collaborative, after consulting with members of the Collaborative and considering suggestions from state commissions. Collaborative meetings will be on the record, and open to the public for listening and observing. The Collaborative will expire 3 years after its first public meeting, but may be extended for an additional period of time prior to its expiration by agreement of both FERC and NARUC.

¹⁰⁰ *Implementation of Dynamic Line Ratings*, 187 FERC ¶ 61,201 (Jun. 27, 2024) ("DLR ANOPR"). The ANOPR reflects public comments in response to the FERC's February 17, 2022, Notice of Inquiry ("NOI") on DLRs. The NOI, in turn, found its roots in *Order 881*, which required transmission line ratings to reflect ambient air temperatures to improve efficiency in operating transmission lines.

¹⁰¹ DLRs, are transmission line ratings that reflect up-to-date forecasts of weather conditions, such as ambient air temperature, wind, cloud cover, solar heating, and precipitation, in addition to transmission line conditions such as tension or sag.

¹⁰² The ANOPR was published in the *Fed. Reg.* on July 15, 2024 (Vol. 89, No. 135) pp. 57,690-57,716.

¹⁰³ "Public Power" is: The National Rural Elec. Coop. Assoc. ("NRECA"), the American Public Power Assoc. ("APPA"), and the Large Public Power Council ("LPPC").

¹⁰⁴ *Revisions to the Filing Process and Data Collection for the Electric Quarterly Report*, 185 FERC ¶ 61,043 (Oct. 19, 2023) ("EQR NOPR").

were filed by [ISO-NE](#), [CAISO](#), [MISO](#), [NYISO](#), [PJM](#), [BPA](#), [EEI](#), [Energy Compliance Consulting](#), [EPSA](#), [Interstate Gas Supply](#), [Macquarie](#), [PG&E](#), [Systrends](#), [Tri-State](#), [XBRL US](#). This matter remains pending before the FERC.

- **Order 1977: Transmission Siting (RM22-7)**

On May 16, 2024, the FERC issued *Order 1977*¹⁰⁵ updating the regulations governing applications for permits to site electric transmission facilities under section 216 of the FPA, as amended by the Infrastructure and Jobs Act, and particularly to reflect FERC's jurisdiction over projects located in National Interest Electric Transmission Corridors that have been denied state siting authority. There is no compliance filing requirement associated with *Order 1977*, but applicants seeking to develop transmission under federal authority in a National Interest Corridor must comply with the revised and new regulations, effective *July 29, 2024*.¹⁰⁶ For example, applicants must demonstrate good faith efforts to engage with landowners in the permitting process, and develop engagement plans for outreach to environmental justice communities and Tribes. NEPOOL Counsel prepared a [summary](#) of *Order 1977* which was distributed to the Transmission Committee.

Requests for rehearing of Order 1977 were filed by the LA PSC, NY PSC, PA PUC, and Public Interest Organizations.¹⁰⁷ On July 15, 2024, the FERC issued an "Allegheny Notice", noting that the requests for rehearing may be deemed to have been denied by operation of law, but noting that the requests will be addressed in a future order.¹⁰⁸ On October 17, 2024, the FERC issued *Order 1977-A*,¹⁰⁹ its order addressing arguments raised on rehearing, modifying the discussion in, and setting aside in part, *Order 1977*. In *Order 1977-A*, the FERC added a new requirement for applicants' engagement plans for outreach to Tribes (if a project requires a right of way on Tribal land, the applicant must describe in its Tribal engagement plan how it will work with Tribal landowners on right-of-way issues). *Order 1977-A* became effective on *November 22, 2024*.¹¹⁰ If you have any questions concerning *Orders 1977* or *1977-A*, please contact Eric Runge (617-345-4735; ekrunge@daypitney.com) or Margaret Czepiel (202-218-3906; mzczepiel@daypitney.com).

- **Order 904: Compensation for Reactive Power Within the Standard Power Factor Range (RM22-2)**

On October 17, 2024, the FERC issued *Order 904*,¹¹¹ which revises Schedule 2 of the *pro forma* OATT, § 9.6.3 of the *pro form* LGIA, and § 1.8.2 of the *pro forma* SGIA to prohibit separate compensation to generators for the provision of reactive power within the standard power factor range or "deadband."¹¹² The proposed change will affect revenues received by reactive power resources in New England.¹¹³ Although compliance filings are due on or before **March 28, 2025**,¹¹⁴ and must generally include a proposed effective date within 90 days from the date of the compliance filing, *Order 904* expressly states that ISO-NE may request a later effective date for the FERC's consideration, in order to allow any necessary market rule changes that accommodate *Order 904's*

¹⁰⁵ *Applications for Permits to Site Interstate Elec. Transmission Facilities*, 187 FERC ¶ 61,069 (May 13, 2024) ("*Order 1977*").

¹⁰⁶ *Order 1977* was published in the *Fed. Reg.* on May 29, 2024 (Vol. 89, No. 104) pp. 46,682-46,740.

¹⁰⁷ "Public Interest Organizations" are Earthjustice, Environmental Defense Fund, NRDC, Sierra Club, Sustainable FERC Project, UCS, WE ACT for Environmental Justice, and the Yurok Tribe.

¹⁰⁸ *Applications for Permits to Site Interstate Elec. Transmission Facilities*, 188 FERC ¶ 61,027 (July 15, 2024).

¹⁰⁹ *Applications for Permits to Site Interstate Elec. Transmission Facilities*, Order No. 1977-A, 189 FERC ¶ 61,033 (Oct. 17, 2024) ("*Order 1977-A*").

¹¹⁰ *Order 1977-A* was published in the *Fed. Reg.* on Oct. 23, 2024 (Vol. 89, No. 205) pp. 84,465-84,472.

¹¹¹ *Compensation for Reactive Power Within the Standard Power Factor Range*, Order No. 904, 189 FERC ¶ 61,034 (Oct. 17, 2024) ("*Order 904*").

¹¹² *Reactive Power NOPR* PP 51-53.

¹¹³ Generating facilities in New England are currently compensated for reactive power under a flat, inflation-adjusted rate design. In *Order 904*, the FERC rejected the requests by ISO-NE and NEPOOL for the flexibility to retain the current Schedule 2.

¹¹⁴ *Order 904* will become effective on *Jan. 27, 2025*. *Order 904* was published in *Fed. Reg.* on Nov. 26, 2024 (Vol. 89, No. 228) pp. 93,410-93,456.

elimination of compensation for the provision of reactive power within the standard power factor range to be developed and proposed.¹¹⁵ A summary of *Order 904* was provided to the Transmission Committee. Challenges to *Order 904* were due on or before November 18, 2024 and were filed by: [D. E. Shaw Renewable Investments](#), [Invenergy Nelson](#), [NYISO](#), the [PSEG Companies](#),¹¹⁶ and [Vistra](#). Those challenges are pending, with FERC action required by **December 16, 2024**,¹¹⁷ or the challenges will be deemed denied by operation of law. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **Orders 1920 and 1920-A: Transmission Planning Reforms (RM21-17)**

On May 13, 2023, the FERC issued *Order 1920*,¹¹⁸ its final rule on proposed reforms to existing the transmission planning and cost allocation requirements. In *Order 1920*, the FERC explained that under existing processes, transmission providers are not required to: (i) perform a sufficiently long-term assessment of transmission needs identifying Long-Term Transmission Needs; (ii) adequately account for known determinants of Long-Term Transmission Needs prospectively; and (iii) consider the broader benefits of regional transmission facilities planned to meet Long-Term Transmission Needs. The existing processes result in less efficient and cost-effective investment in transmission infrastructure and higher costs to customers and, therefore, unjust and unreasonable rates and need for reforms. *Order 1920* requires all transmission providers, *inter alia*, to

- (i) conduct Long-Term Regional Transmission Planning to identify, evaluate and select Long-Term Regional Transmission Facilities to address Long-Term Transmission Needs;
- (ii) to evaluate for selection regional transmission facilities that will address identified interconnection-related transmission needs through the existing Order No. 1000 processes;
- (iii) to include in their compliance filings one or more default ex ante Long Term-Regional Transmission Cost Allocation Methods to allocate costs for Long-Term Regional Transmission Facilities (or a portfolio of such Facilities) that are selected for regional cost allocation; and
- (iv) revise their existing interregional transmission coordination procedures to reflect the long-term regional transmission planning reforms adopted in *Order 1920*.

Order 1920 adopts a number of reforms from the *Transmission NOPR*,¹¹⁹ but also declines to adopt several reforms, including the NOPR proposal to restrict the availability of the construction-work-in-progress (“CWIP”) incentive for Long-Term Regional Transmission Facilities and to establish a federal rights of first refusal (“ROFR”) for incumbent transmission providers, conditioned on the incumbent transmission provider establishing joint ownership of the transmission facilities. Although the FERC did not adopt a federal ROFR, it did adopt a limited ROFR applicable only to certain “right-sized” replacement transmission facilities. In addition, the FERC noted a willingness to consider the CWIP and ROFR issues in future proceedings.

¹¹⁵ *Order 904* at P 224. “With any such request, [ISO-NE] must affirmatively demonstrate why such a requested effective date is necessary, given, for example, its existing market rules, and what market rule changes [ISO-NE] believes may be needed to accommodate [*Order 904*].”

¹¹⁶ The “PSEG Companies” are: Public Service Electric and Gas Co., PSEG Power LLC, and PSEG Energy Resources & Trade LLC, each wholly-owned, direct or indirect subsidiaries of Public Service Enterprise Group Inc.

¹¹⁷ 30 days from the first (PSEG Companies) challenge.

¹¹⁸ *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection*, 187 FERC ¶ 61,068 (May 13, 2024) (“*Order 1920*”).

¹¹⁹ *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection*, 179 FERC ¶ 61,028 (Apr. 21, 2022) (“*Transmission NOPR*”).

Order 1920 took effect on August 12, 2024.¹²⁰ Transmission providers must submit compliance filings by **June 12, 2025** with respect to most of the Order’s requirements, while filings to comply with the interregional transmission coordination requirements are due by **August 12, 2025**.

A detailed [high-level summary](#) of *Order 1920* was distributed to, and was reviewed with, the Transmission Committee. NEPOOL counsel will coordinate with ISO-NE counsel on stakeholder engagement to develop a compliance filing in response to *Order 1920*.

Requests for Clarification and/or Rehearing. Over 50 parties filed requests for clarification and/or rehearing, including requests by: [AEU](#), [Dominion](#), [Invenergy](#), [NESCOE](#) (with [VT PUC](#) supporting), [Versant](#), [APPA](#), [EEI](#), [Large Public Power Council](#), [NARUC](#), [NRECA](#), [TAPS](#), [WIRES](#), [Consumer Advocates](#), and [Harvard Electricity Institute](#). On July 15, 2024, the FERC issued an “Allegheny Notice”, noting that the requests for rehearing may be deemed to have been denied by operation of law, but noting that the requests will be addressed in a future order.¹²¹

Order 1920-A. On November 21, 2024, the FERC issued *Order 1920-A*, its order on rehearing and clarification.¹²² In Order No. 1920-A, the FERC states that it is refining and improving Long-Term Regional Transmission Planning (“LTRTP”) “by building on the reforms adopted in Order No. 1920, with a particular focus on ensuring that states have a robust role” in LTRTP and cost allocation processes established in the rule. *Order 1920-A* largely sustains and further justifies the findings and reforms of *Order 1920*, but grants several requests for rehearing and clarification. A significant focus of the modifications to *Order 1920* pertains to the role of the states in LTRTP and the related cost allocation requirements. *Order 1920-A* maintains the **June 12, 2025** compliance filing deadline for regional requirements and the **August 12, 2025** deadline for interregional requirements. Any deviations from the final rule proposed on compliance must be justified under the “consistent with or superior to” standard. A memorandum providing a brief summary of the more important features of *Order 1920-A*, including a list and more detailed summary of the key modifications and clarifications made by the FERC in *Order 1920-A* was provided by NEPOOL Counsel to the Transmission Committee (and can be found [here](#)).

Petitions for Federal Court Review. *Order 1920* has been challenged in several federal circuits, including the DC, First, Fourth, Fifth, Sixth, Ninth, Tenth, and Eleventh Circuits. Further developments on the federal court appeals will be reported in Section XVI below.

If you have any questions concerning *Orders 1920* or *1920-A*, please contact Eric Runge (617-345-4735; ekrunge@daypitney.com) or Margaret Czepiel (202-218-3906; mzczepiel@daypitney.com).

XIII. FERC Enforcement Proceedings

Electric-Related Enforcement Actions

- **Ketchup Caddy / Phillip Mango (MISO DR Program Violations) (IN23-14)**

On February 21, 2024, the FERC directed Ketchup Caddy, LLC (“Ketchup Caddy”) and Phillip Mango, Ketchup Caddy’s CEO and co-owner (together, “Respondents”), to show cause why they should not be found to have violated FPA section 222, along with section 1c.2 of the FERC’s regulations, Sections 69A.3.5 and 69A.7.1 of the MISO Tariff by offering uncontracted resources into the annual Planning Resource Auctions (“PRAs”) that MISO uses to procure capacity necessary to maintain the reliability of the MISO grid.¹²³ The FERC directed Ketchup

¹²⁰ *Order 1920* was published in the Fed. Reg. on Jun. 11, 2024 (Vol. 89, No. 113) pp. 49,280-49,586.

¹²¹ *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection*, 188 FERC ¶ 62,025 (July 15, 2024).

¹²² *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, Order on Reh’g, Order No. 1920-A, 189 FERC ¶ 61,126 (Nov. 21, 2024) (“Order No. 1920-A”).

¹²³ *Ketchup Caddy, LLC and Philip Mango*, 186 FERC ¶ 61,132 (Feb. 21, 2024) (“*Ketchup Caddy Show Cause Order*”).

Caddy and Mango to show cause why they should not be assessed **civil penalties of \$25 million and \$1.5 million**, respectively, and why **Mango** should not **disgorge \$506,502, plus interest**, in unjust profits. Enforcement alleges that “Ketchup Caddy operated as a fraudulent enterprise with no legitimate market activity, registering and clearing demand response resources without their knowledge or consent and collecting capacity payments in turn, without making payments to the registered resources. Mango ... made no attempt to contract with—or even to contact—legitimate customers, and the purported customers Ketchup Caddy registered with MISO would not have responded if dispatched. Collectively, Mango and his co-owner received \$1,013,004 in capacity payments paid to Ketchup Caddy by MISO during the Relevant Period. Staff’s recommended penalties are predicated on its finding that Respondents caused \$17,639,142.07 in losses to other suppliers because Ketchup Caddy’s fraudulent offers lowered capacity prices in the 2019/20, 2020/21, and 2021/22 MISO PRAs.”¹²⁴

On September 4, 2024, the FERC Secretary issued a notice that Respondents were served with a copy of the *Ketchup Caddy Show Cause Order* on July 26, 2024. Respondents have still not responded to the *Ketchup Caddy Show Cause Order*. If you have any questions concerning this matter, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

Natural Gas-Related Enforcement Actions

- **Rover Pipeline, LLC and Energy Transfer Partners, L.P. (CPCN Show Cause Order) (IN19-4)**

Procedural Schedule Suspended. As previously reported, on May 24, 2022, the Honorable Judge Karen Gren Scholer of the U.S. District Court for the Northern District of Texas (“Northern District”) issued an order staying this proceeding. Consistent with that order and out of an abundance of caution, ALJ Joel DeJesus, who will be the presiding judge for hearings in this matter,¹²⁵ suspended the procedural schedule until such time as the Court’s stay is lifted and the parties provide jointly a proposed amended procedural schedule.

On June 14, 2023, the FERC issued an Order on Presiding Officer Reassignment,¹²⁶ which (i) directed the Chief ALJ to reassign this proceeding to another ALJ not previously involved in the proceeding (i.e., designate a new presiding officer) once the *June 14 Order* takes effect; (ii) held that the *June 14 Order* will take effect once the Northern District clarifies or lifts its stay for the limited purpose of allowing the *June 14 Order* to take effect or the stay is lifted or dissolved such that hearing procedures may resume; and (iii) stated that this proceeding otherwise remains suspended until the Northern District’s stay is lifted or dissolved such that hearing procedures may resume.

- **Rover and ETP (Tuscarawas River HDD Show Cause Order) (IN17-4)**

On December 16, 2021, the FERC issued a show cause order¹²⁷ in which it directed Rover and ETP (together, “Respondents”) to show cause why they should not be found to have violated NGA section 7(e), FERC Regulations (18 C.F.R. § 157.20); and the FERC’s Certificate Order,¹²⁸ by: (i) intentionally including diesel fuel and other toxic substances and unapproved additives in the drilling mud during its horizontal directional drilling (“HDD”) operations under the Tuscarawas River in Stark County, Ohio, in connection with the Rover Pipeline

¹²⁴ *Id.* at P 3.

¹²⁵ See *Rover Pipeline, LLC, and Energy Transfer Partners, L.P.*, 178 FERC ¶ 61,028 (Jan. 20, 2022) (“*Rover/ETP Hearings Order*”). The hearings will be to determine whether Rover Pipeline, LLC (“Rover”) and its parent company Energy Transfer Partners, L.P. (“ETP” and collectively with Rover, “Respondents”) violated section 157.5 of the FERC’s regulations and to ascertain certain facts relevant for any application of the FERC’s Penalty Guidelines.

¹²⁶ *Rover Pipeline, LLC, and Energy Transfer Partners, L.P.*, 183 FERC ¶ 61,190 (June 14, 2023) (“*June 14 Order*”).

¹²⁷ *Rover Pipeline, LLC, and Energy Transfer Partners, L.P.*, 177 FERC ¶ 61,182 (Dec. 16, 2021) (“*Rover/ETP Tuscarawas River HDD Show Cause Order*”).

¹²⁸ *Rover Pipeline LLC*, 158 FERC ¶ 61,109 (2017), *order on clarification & reh’g*, 161 FERC ¶ 61,244 (2017), *Petition for Rev., Rover Pipeline LLC v. FERC*, No. 18-1032 (D.C. Cir. Jan. 29, 2018) (“*Certificate or Certificate Order*”).

Project;¹²⁹ (ii) failing to adequately monitor the right-of-way at the site of the Tuscarawas River HDD operation; and (iii) improperly disposing of inadvertently released drilling mud that was contaminated with diesel fuel and hydraulic oil. The FERC directed Respondents to show why they should not be assessed civil penalties in the amount of **\$40 million**.

On March 21, 2022, Respondents answered and denied the allegations in the *Rover/ETP CPCN Show Cause Order*. On April 20, 2022, OE Staff answered Respondents' March 21 answer. On May 13, Respondents submitted a surreply, reinforcing their position that "there is no factual or legal basis to hold either [Respondent] liable for the intentional wrongdoing of others that is alleged in the Staff Report." The FERC denied Respondents' request for rehearing of the FERC's January 21, 2022 designation notice.¹³⁰ This matter is pending before the FERC.

- **Total Gas & Power North America, Inc. et al. (IN12-17)**

On April 28, 2016, the FERC issued a show cause order¹³¹ in which it directed Total Gas & Power North America, Inc. ("TGPNA") and its West Desk traders and supervisors, Therese Tran f/k/a Nguyen ("Tran") and Aaron Hall (collectively, "Respondents") to show cause why Respondents should not be found to have violated NGA Section 4A and the FERC's Anti-Manipulation Rule through a scheme to manipulate the price of natural gas at four locations in the southwest United States between June 2009 and June 2012.¹³²

The FERC also directed TGPNA to show cause why it should not be required to disgorge unjust profits of **\$9.18 million**, plus interest; TGPNA, Tran and Hall to show cause why they should not be assessed civil penalties (TGPNA - **\$213.6 million**; Hall - **\$1 million** (jointly and severally with TGPNA); and Tran - **\$2 million** (jointly and severally with TGPNA)). In addition, the FERC directed TGPNA's parent company, Total, S.A. ("Total"), and TGPNA's affiliate, Total Gas & Power, Ltd. ("TGPL"), to show cause why they should not be held liable for TGPNA's, Hall's, and Tran's conduct, and be held jointly and severally liable for their disgorgement and civil penalties based on Total's and TGPL's significant control and authority over TGPNA's daily operations. Respondents filed their answer on July 12, 2016. OE Staff replied to Respondents' answer on September 23, 2016. Respondents answered OE's September 23 answer on January 17, 2017, and OE Staff responded to that answer on January 27, 2017.

Hearing Procedures. On July 15, 2021, the FERC issued an order establishing hearing procedures to determine whether Respondents violated the FERC's Anti-Manipulation Rule, and to ascertain certain facts relevant for any application of the FERC's Penalty Guidelines.¹³³ However, on September 19, 2024, in light of the Supreme Court's decision in *Jarkesy*,¹³⁴ the FERC terminated the since-suspended hearing procedures established

¹²⁹ The Rover Pipeline Project is an approximately 711 mile long interstate natural gas pipeline designed to transport gas from the Marcellus and Utica shale supply areas through West Virginia, Pennsylvania, Ohio, and Michigan to outlets in the Midwest and elsewhere.

¹³⁰ *Rover Pipeline, LLC, and Energy Transfer Partners, L.P.*, 179 FERC ¶ 61,090 (May 11, 2022) ("*Designation Notice Rehearing Order*"). The "Designation Notice" provided updated notice of designation of the staff of the FERC's Office of Enforcement ("OE") as non-decisional in deliberations by the FERC in this docket, with the exception of certain staff named in that notice.

¹³¹ *Total Gas & Power North America, Inc.*, 155 FERC ¶ 61,105 (Apr. 28, 2016) ("*TGPNA Show Cause Order*").

¹³² The allegations giving rise to the Total Show Cause Order were laid out in a September 21, 2015 FERC Staff Notice of Alleged Violations which summarized OE's case against the Respondents. Staff determined that the Respondents violated NGA section 4A and the Commission's Anti-Manipulation Rule by devising and executing a scheme to manipulate the price of natural gas in the southwest United States between June 2009 and June 2012. Specifically, Staff alleged that the scheme involved making largely uneconomic trades for physical natural gas during bid-week designed to move indexed market prices in a way that benefited the company's related positions. Staff alleged that the West Desk implemented the bid-week scheme on at least 38 occasions during the period of interest, and that Tran and Hall each implemented the scheme and supervised and directed other traders in implementing the scheme.

¹³³ *Total Gas & Power North America, Inc. et al.*, 176 FERC ¶ 61,026 (July 15, 2021) ("*Hearing Order*").

¹³⁴ *Jarkesy* was decided by the Supreme Court on June 27, 2024. *Jarkesy* held that the Seventh Amendment to the U.S. Constitution entitles a respondent in an administrative enforcement proceeding to a jury trial in a federal court organized under Article III of the Constitution when the SEC seeks civil penalties for securities fraud. Because the SEC's civil penalties for securities fraud are "designed to punish and deter, not to compensate" they are the "type of remedy at common law that could only be enforced in courts of law" with

in the *Hearing Order*. The FERC stated that “will not impose penalties against [TGPNA] for the conduct alleged in the *Show Cause Order* on the basis of an administrative enforcement proceeding before a FERC ALJ.” This proceeding will be held in abeyance until a further FERC order is issued.

XIV. Natural Gas Proceedings

For further information on any of the natural gas proceedings, please contact Joe Fagan (202-218-3901; jfagan@daypitney.com).

New England Pipeline Proceeding

The following New England pipeline project is currently under construction or before the FERC:

- **Iroquois ExC Project (CP20-48)**

- ▶ 125,000 Dth/d of incremental firm transportation service to ConEd and KeySpan by building and operating new natural gas compression and cooling facilities at the sites of four existing Iroquois compressor stations in Connecticut (Brookfield and Milford) and New York (Athens and Dover).
- ▶ Three-year construction project; service now requested for March 25, 2027.
- ▶ On March 25, 2022, after procedural developments summarized in previous Reports, the FERC issued to Iroquois a certificate of public convenience and necessity, authorizing it to construct and operate the proposed facilities.¹³⁵ The certificate was conditioned on: (i) Iroquois’ completion of construction of the proposed facilities and making them available for service within **three years** of the date of the; (ii) Iroquois’ compliance with all applicable FERC regulations under the NGA; (iii) Iroquois’ compliance with the environmental conditions listed in the appendix to the order; and (iv) Iroquois’ filing written statements affirming that it has executed firm service agreements for volumes and service terms equivalent to those in its precedent agreements, prior to commencing construction. The March 25, 2022 order also approved, as modified, Iroquois’ proposed incremental recourse rate and incremental fuel retention percentages as the initial rates for transportation on the Enhancement by Compression Project.
- ▶ On April 18, 2022, Iroquois accepted the certificate issued in the *Iroquois Certificate Order*.
- ▶ On June 17, 2022, in accordance with the *Iroquois Certificate Order*, Iroquois submitted its Implementation Plan, documenting how it will comply with the FERC’s Certificate conditions.
- ▶ On October 28, 2024, Iroquois requested an extension of time, until **March 25, 2027**, to construct and place into service its Enhancement by Compression Project (Project) located in Greene and Dutchess Counties, New York and Fairfield and New Haven Counties, Connecticut as authorized in the *Iroquois Certificate Order*. (The *Iroquois Certificate Order* required Iroquois to complete construction of the Project and make it available for service within three years of the date of the Order or by March 25, 2025.) Iroquois stated that construction of the Project has been delayed due to pending state permit approvals, specifically air permits from the New York State Department of Environmental Conservation and the Connecticut Department of Energy and Environmental Protection. Iroquois asserts that it has been working in good faith with these agencies and expects to receive approvals for the Project in the near future.
- ▶ Comments on Iroquois’ request were due on or before November 15, 2024. Protests and comments were filed by the Sierra Club of Connecticut, Save the Sound, and nearly 20 individual citizens. A

Seventh Amendment protections. In short, SEC civil penalty actions regarding fraud are “a common law suit in all but name” and therefore the *Jarkesy* respondents were “entitled to a jury trial in an Article III court.” The FERC is examining *Jarkesy*’s impact on the FERC’s existing enforcement procedures and expects to further address its approach to enforcement cases in light of *Jarkesy*. The FERC expects that it will issue a further order regarding the status of this proceeding.

¹³⁵ *Iroquois Gas Transmission Sys., L.P.*, 178 FERC ¶ 61,200 (2022) (“*Iroquois Certificate Order*”).

number of others requested an extension of time to comment, but those requests have not been (nor should be expected to be) acted on by the FERC.¹³⁶

XV. State Proceedings & Federal Legislative Proceedings

No activities to report.

XVI. Federal Courts

The following are matters of interest, including petitions for review of FERC decisions in NEPOOL-related proceedings, that are currently pending before the federal courts (unless otherwise noted, the cases are before the U.S. Court of Appeals for the District of Columbia Circuit (“DC Circuit”). An “***” following the Case No. indicates that NEPOOL has intervened or is a litigant in the appeal. The remaining matters are appeals as to which NEPOOL has no organizational interest but that may be of interest to Participants. For further information on any of these proceedings, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **TO Initial Funding Show Cause Order (8th Circuit - 24-2714)**
Case Title: Ameren Services Company, et al v. FERC
Underlying FERC Proceeding: EL24-80 et al.¹³⁷
Status: Case Dismissed

On August 23, 2024, Petitioners¹³⁸ filed a Petition for Review of the FERC’s *TO Initial Funding Show Cause Order and TO Initial Funding Show Cause Allegheny Notice*. Pursuant to an order of the Court issued on October 3, 2024, the Briefing Schedule in this proceeding is being held in abeyance for an initial period of 90 days (until **January 1, 2025**). On November 1, 2024, the FERC moved to dismiss the Petition on the grounds that the Court lacks jurisdiction to consider the Petition. On November 12, 2024, Petitioners and petitioner-Intervenors asked that the case continue to be held in abeyance until such time as the FERC issues a merits decision in the underlying agency proceedings. However, on November 13, 2024, the Court granted FERC’s motion and dismissed the case for lack of jurisdiction.

¹³⁶ The FERC will aim to issue an order acting on the request within 45 days. The FERC will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension. The FERC will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission’s environmental analysis for the certificate complied with the National Environmental Policy Act (“NEPA”).

¹³⁷ *Midcontinent Indep. Sys. Op. et al.*, 187 FERC ¶ 61,170 (June 13, 2024) (“*TO Initial Funding Show Cause Order*”); *Midcontinent Indep. Sys. Op. et al.*, 188 FERC ¶ 62,084 (Aug. 15, 2024) (“*TO Initial Funding Show Cause Allegheny Notice*”); *Midcontinent Indep. Sys. Op. et al.*, 188 FERC ¶ 61,211 (Sep. 26, 2024) (“*TO Initial Funding Show Cause Allegheny Order*”).

¹³⁸ Petitioners are: Ameren Services Co.; Ameren Illinois Co.; Union Electric Co., d/b/a Ameren Missouri; Ameren Transmission Co. of Illinois; American Transmission Co. LLC; Duke Energy Corp.; Duke Energy Business Services, LLC; Duke Energy Ohio, Inc.; Duke Energy Kentucky, Inc.; Duke Energy Indiana, LLC; Northern Indiana Public Service Co. LLC; Xcel Energy Services Inc.; Northern States Power Co. - Minnesota; Northern States Power Co. - Wisconsin; Southwestern Public Service Co.; Exelon Corp.; Atlantic City Electric Co.; Baltimore Gas and Electric Co.; Commonwealth Edison Co.; Delmarva Power & Light Co.; PECO Energy Co.; Potomac Electric Power Co.

- **Order 1920: Transmission Planning Reforms (4th Circuit – 24-1650)**

Case Title: *Appalachian Voices v. FERC*

Underlying FERC Proceeding: RM21-17¹³⁹

Status: Being Held in Abeyance

As previously reported, on July 18, 2024, AEU/ACPA/SEIA and Invenergy petitioned the DC Circuit Court of Appeals for review of the FERC's *Order 1920*.¹⁴⁰ Petitions were also filed in the First, Second, Fourth, Fifth, Sixth, Seventh, Ninth, and Eleventh Circuits. The Judicial Panel on Multidistrict Litigation randomly selected the Fourth Circuit as the Circuit in which to consolidate the petitions for review. The DC Circuit ordered that its cases be transferred to the 4th Circuit. The 4th Circuit lead case no. is 24-1650. On August 26, 2024, the 4th Circuit granted the FERC's motion to hold the petitions for review in abeyance, with motions to govern due **January 6, 2025**, all filing deadlines— including filing of the agency record—are deferred until the abeyance period expires. The FERC suggested that abeyance will afford the FERC time to respond to the approximately 50 applications for rehearing of *Order 1920*.

- **Mystic Second CapEx Info Filing (24-1077)**

Case Title: *Constellation Mystic Power, LLC v. FERC*

Underlying FERC Proceeding: ER18-1639-028¹⁴¹

Status: Being Held in Abeyance

On April 3, 2024, Constellation Mystic Power, LLC petitioned the DC Circuit Court of Appeals for review of the FERC's orders on Mystic's Second CapEx Info Filing. Mystic filed, on May 6, 2024, a Certificate as to Parties, Rulings, and Related Cases, a Docketing Statement, a Statement of Intent to Utilize Deferred Joint Appendix, a Statement of Issues, and the Underlying Decision from which the appeal arose. Appearances and other procedural motions, if any, were also due on or before May 6. Interventions were filed by ISO-NE, NESCOE, and a collective of Massachusetts municipal utilities.¹⁴² Most recently, on November 22, 2024, Mystic asked the Court to continue to hold this case in abeyance until **March 10, 2025** to allow for FERC action on the Mystic Global Settlement, which, if approved, will lead to voluntary dismissal of this proceeding.

- **Orders 2023 and 2023-A (23-1282 et al.) (consolidated)**

Case Title: *Advanced Energy United, et al. v. FERC*

Underlying FERC Proceeding: RM22-14¹⁴³

Status: Briefing Underway

Several Petitioners have challenged *Orders 2023 and 2023-A*. Those challenges have now been consolidated, with the AEU docket (23-1282) as the lead docket. Initial Submissions and a Certified Index to the Record were filed on August 21, 2024). Joint Petitioners' Briefs were filed on October 30, 2024. The following deadlines remain: Respondent's Brief (**February 5, 2025**); Intervenor for Respondent's Brief (February 19, 2025); Petitioners' Reply Briefs (March 19, 2025); Petitioner-Intervenor Reply Brief(s) (March 19, 2025), Deferred Joint Appendix (April 2, 2025); and Final Briefs (April 16, 2025). The parties will be informed later of the date of oral argument and the composition of the merits panel. The next expected submission will be Respondent's Brief.

¹³⁹ *Constellation Mystic Power, LLC*, 185 FERC ¶ 61,170 (Dec. 5, 2023) ("*Second CapEx Info Filing Order*"); *Constellation Mystic Power, LLC*, 186 FERC ¶ 62,048 (Feb. 5, 2024) ("*Second CapEx Info Filing Order Allegheny Notice*").

¹⁴⁰ Petitioners for review of *Order 1920* have also been filed in the 1st, 4th, 5th, and 9th Circuits.

¹⁴¹ *Constellation Mystic Power, LLC*, 185 FERC ¶ 61,170 (Dec. 5, 2023) ("*Second CapEx Info Filing Order*"); *Constellation Mystic Power, LLC*, 186 FERC ¶ 62,048 (Feb. 5, 2024) ("*Second CapEx Info Filing Order Allegheny Notice*").

¹⁴² Braintree, Concord, Georgetown, Hingham, Littleton (NH), Middleborough, Middleton, Norwood, Pascoag, Reading, Taunton, Wellesley, and Westfield (collectively, the "Eastern New England Consumer-Owned Systems").

¹⁴³ *Improvements to Generator Interconnection Procedures and Agreements*, 184 FERC ¶ 61,054 (July 28, 2023) ("*Order 2023*"); 184 FERC ¶ 62,163 (Sep. 28, 2023) (Notice of Denial of Rehearing by Operation of Law).

- **Order 2222 Compliance Orders (23-1167, 23-1168, 23-1169, 23-1170, 23-1335) (consolidated)**

Case Title: Eversource Energy Service Company v. FERC

Underlying FERC Proceeding: ER22-983¹⁴⁴

Status: Being Held in Abeyance

On June 30, 2023, ISO-NE (23-1168), CMP/UI (23-1170), Eversource (23-1167), and National Grid (23-1169) petitioned the DC Circuit Court of Appeals for review of the FERC's orders related to the FERC's *Order 2222 Compliance Orders*.¹⁴⁵ On July 3, 2023, the Court consolidated the cases, with Case No. 23-1667 as the lead case. On July 24, 2023, the FERC moved to have the consolidated cases held in abeyance pending the issuance of the Commission's further order on rehearing. The Court granted that motion on July 27, 2023, with the case to be held in abeyance pending further order of the Court. On June 6, 2024, the FERC filed a status report reporting that, on May 23, 2024, the Commission issued its order on rehearing of its November 2023 order in the ER22-983 docket and that, under the Court's February 6 order, the parties had until August 5, 2024 to file motions to govern future proceedings in these consolidated appeals. However, the FERC asked that the Court continue to hold these consolidated petitions for review in abeyance until 90 days after the Commission's issuance of a final order in ER22-983, with parties to file motions to govern future proceedings at the end of the abeyance period. The FERC asked for the additional period of abeyance "because compliance filings in the ER22-983 proceeding remain pending before the Commission, and Commission action on those filings may ultimately result in further petitions for review of ER22-983 orders, or otherwise expand or reduce the issues presented for review". On July 31, 2024, the Court issued an order that these consolidated cases remain in abeyance pending further order of the court. The parties were directed to file motions to govern future proceedings within 90 days of the FERC's issuance of a final order in the ER22-983 proceeding. The FERC was also directed to file status reports at 60-day intervals beginning September 30, 2024. The FERC filed its latest status report on December 3, 2024 stating that its most recent order in ER22-983 (November 19, 2024) is still subject to rehearing and that until that rehearing period expires, these consolidated appeals should remain in abeyance.

- **Seabrook Dispute Order (23-1094, 23-1215) (consolidated)**

Case Title: NextEra Energy Resources, LLC, et al. v. FERC

Underlying FERC Proceeding: EL21-6, EL 23-3¹⁴⁶

Petitioner: NextEra Energy Resources, LLC and NextEra Energy Seabrook, LLC

Status: Petition for Review Denied; Issuance of Mandate Withheld

On April 4, 2023, NextEra Energy Resources, LLC and NextEra Energy Seabrook, LLC (collectively, "NextEra") petitioned the DC Circuit Court of Appeals for review of the FERC's orders related to the Seabrook Dispute.¹⁴⁷ NextEra subsequently petitioned the Court for review of the June 15, 2023 *Seabrook Dispute Allegheny*

¹⁴⁴ *ISO New England Inc. and New England Power Pool Participants Comm.*, 182 FERC ¶ 61,137 (Mar. 1, 2023) ("*Order 2222 Compliance Order*"); *ISO New England Inc. and New England Power Pool Participants Comm.*, 183 FERC ¶ 62,050 (May 1, 2023) ("*Order 2222 Compliance Allegheny Notice*", and together with the *Order 2222 Compliance Order*, the "*Order 2222 Compliance Orders*").

¹⁴⁵ In response to the region's *Order 2222 Changes*, the FERC directed a number of revisions and additional compliance and informational filings to be filed within 30, 60 or 180 days of the *Order 2222 Compliance Order*, as described in previous Reports. When filed, the Filing Parties stated that the *Order 2222 Changes* create a pathway for Distributed Energy Resource Aggregations ("DERAs") to participate in the New England Markets by: creating new, and modifying existing, market participation models for DERA use; establishing eligibility requirements for DERA participation (including size, location, information and data requirements); setting bidding parameters for DERAs; requiring metering and telemetry arrangements for DERAs and individual Distributed Energy Resources ("DERs"); and providing for coordination with distribution utilities and relevant electric retail regulatory authorities ("RERRAs") for DERA/DER registration, operations, and dispute resolution purposes.

¹⁴⁶ *NextEra Energy Seabrook, LLC and NECEC Transmission LLC and Avangrid, Inc. v. NextEra Energy Resources, LLC and NextEra Energy Seabrook, LLC*, 182 FERC ¶ 61,044 (Feb. 1, 2023) ("*Seabrook Dispute Order*"), *reh'g denied by operation of law*, *NextEra Energy Seabrook, LLC et al.*, 183 FERC ¶ 62,001 (Apr. 3, 2023) ("*Seabrook Dispute Allegheny Notice*"); *NextEra Energy Seabrook, LLC et al.*, 183 FERC ¶ 61,196 (June 15, 2023) ("*Seabrook Dispute Allegheny Order*").

¹⁴⁷ In the Seabrook Dispute Order, the FERC (i) both denied and granted in part the Seabrook Complaint; (ii) dismissed the Seabrook Declaratory Order Petition; and (iii) directed Seabrook to replace the Seabrook Station breaker pursuant to its obligations under the Seabrook LGIA and Good Utility Practice. Specifically, the FERC denied the Seabrook Complaint in part because it found that Avangrid had "not shown that Seabrook is obligated to replace the breaker due to Seabrook failing to meet certain open access obligations or

Order, which was consolidated with Case No. 23-1094. Oral argument was heard on February 6, 2024 by Judges Millett, Katsas and Rao. On October 4, 2024, in a 2-1 Decision, the Court denied Seabrook's Petition for review, finding that the "FERC did not exceed its statutory jurisdiction, correctly interpreted the governing tariff and LGIA, and permissibly denied Seabrook compensation for any indirect costs".

- **Mystic II (ROE & True-Up) (21-1198 et al.) (consolidated)**
Case Title: *Constellation Mystic Power, LLC v. FERC*
Underlying FERC Proceeding: ER18-1639-010, -011,¹⁴⁸ -013¹⁴⁹ -017¹⁵⁰
Petitioners: Mystic (21-1198 (lead), 22-1008, 22-1026), CT Parties,¹⁵¹ (21-1222, 22-1001) MA AG (21-1223), ENECOS (21-1224)
Status: Case Dismissed Voluntarily.

As previously reported, this case was initiated when, on October 8, 2021, Mystic petitioned the DC Circuit Court of Appeals for review of the FERC's orders setting the base ROE for the Mystic COS Agreement at 9.33%. The *Mystic ROE Order* and subsequent FERC orders addressing the Mystic ROE issues were also appealed by various parties and consolidated under 21-1198. However, on November 1, 2024, the FERC approved an unopposed Settlement Agreement setting the ROE at 9.0% and mooted these appeals. Accordingly, on November 8, 2024, all Petitioners moved to dismiss these consolidated appeals. The Court granted the Petitioners' motion on November 20, 2024. Reporting on this appeal is now concluded.

- **CASPR (20-1333, 21-1031) (consolidated)****
Case Title: *Sierra Club, et al. v. FERC*
Underlying FERC Proceeding: ER18-619¹⁵²
Petitioners: Sierra Club, NRDC, RENEW Northeast, and CLF
Status: Being Held in Abeyance; Motions to Govern Future Proceedings Due Mar 2, 2026

As previously reported, the Sierra Club, NRDC, RENEW Northeast, and CLF petitioned the DC Circuit Court of Appeals on August 31, 2020 for review of the FERC's order accepting ISO-NE's CASPR revisions and the FERC's subsequent *CASPR Allegheny Order*. Appearances, docketing statements, a statement of issues to be raised, and a statement of intent to utilize deferred joint appendix were filed. A motion by the FERC to dismiss the case was

because Seabrook has failed to comply with Schedule 25 of the ISO-NE Tariff". However, the FERC found that, "under Seabrook's LGIA, Seabrook may not refuse to replace the breaker because it is needed for reliable operation of Seabrook Station and required by Good Utility Practice" and thus, given the specific facts and circumstances in the record, granted the Seabrook Complaint in part. With respect to cost issues, the FERC agreed with Avangrid that, in this case, Seabrook should not recover opportunity costs (e.g. lost profits, lost revenues, and foregone Pay for Performance ("PFP") bonuses) or legal costs. In dismissing the Declaratory Order Petition, the FERC noted that the issues raised in the Petition were addressed in the Seabrook Dispute Order, that additional findings were unnecessary, and thus exercised its discretion to not take action on, and to dismiss, the Petition. The breaker replacement is currently expected to take place during the Fall 2024 refueling outage and the commercial operation date for the NECEC Project is December 2024. Seabrook plans to file an agreement governing installation at the earlier of 30 days prior to delivery of the breaker or 120 days prior to the start of the Fall 2024 outage. The FERC noted its expectation that such an agreement would resolve whatever remaining issues exist between the parties to allow replacement of the breaker to move forward during the 2024 outage, or if not, an unexecuted agreement would be filed.

¹⁴⁸ *Constellation Mystic Power, LLC*, 176 FERC ¶ 61,019 (July 15, 2021) ("*Mystic ROE Order*"); *Constellation Mystic Power, LLC*, 176 FERC ¶ 62,127 (Sep. 13, 2021) ("*September 13 Notice*") (Notice of Denial by Operation of Law of Rehearings of *Mystic ROE Order*).

¹⁴⁹ *Constellation Mystic Power, LLC*, 178 FERC ¶ 61,116 (Feb. 18, 2022) ("*Mystic ROE Second Allegheny Order*"); *Constellation Mystic Power, LLC*, 178 FERC ¶ 62,028 (Jan. 18, 2022) ("*January 18 Notice*") (Notice of Denial by Operation of Law of Rehearings of *Mystic ROE Second Allegheny Order*).

¹⁵⁰ *Constellation Mystic Power, LLC*, 179 FERC ¶ 61,011 (Apr. 28, 2022) ("*Mystic First CapEx Info. Filing Order*"); *Constellation Mystic Power, LLC*, 179 FERC ¶ 62,179 (June 27, 2022) ("*June 27 Notice*") (Notice of Denial by Operation of Law of Rehearings of *Mystic First CapEx Info. Filing Order*).

¹⁵¹ In this appeal, "CT Parties" are the CT PURA CT PURA, CT DEEP, and the CT OCC.

¹⁵² *ISO New England Inc.*, 162 FERC ¶ 61,205 (Mar. 9, 2018) ("*CASPR Order*").

dismissed as moot by the Court, referred to the merits panel (Judges Pillard, Katsas and Walker), and is to be addressed by the parties in their briefs.

Petitioners have moved to hold this matter in abeyance now four times. In the most recent request (filed March 1, 2024) (fourth abeyance request), Petitioners asked the Court to hold this matter in abeyance until March 1, 2026 “in light of the continued delay of the revisions to its capacity market that ISO New England previously asserted were a predicate to eliminating the market impediment that is the subject of the underlying claims before the Court”. The Court granted the request on May 12, 2024, ordering the parties to file motions to govern future proceedings by **March 2, 2026**.

- **Opinion 531-A Compliance Filing Undo (20-1329)**
Case Title: Central Maine Power Company, et al. v. FERC
Underlying FERC Proceeding: ER15-414¹⁵³
Petitioners: TOs (CMP et al.)
Status: Being Held in Abeyance

On August 28, 2020, the TOs¹⁵⁴ petitioned the DC Circuit Court of Appeals for review of the FERC’s October 6, 2017 order rejecting the TOs’ filing that sought to reinstate their transmission rates to those in place prior to the FERC’s orders later vacated by the DC Circuit’s *Emera Maine*¹⁵⁵ decision. On September 22, 2020, the FERC submitted an unopposed motion to hold this proceeding in abeyance for four months to allow for the Commission to “a future order on petitioners’ request for rehearing of the order challenged in this appeal, and the rate proceeding in which the challenged order was issued remains ongoing before the Commission.” On October 2, 2020, the Court granted the FERC’s motion, and directed the parties to file motions to govern future proceedings in this case by February 2, 2021. On January 25, 2021, the FERC requested that the Court continue to hold this petition for review in abeyance for an additional three months, with parties to file motions to govern future proceedings at the end of that period. The FERC requested continued abeyance because of its intention to issue a future order on petitioners’ request for rehearing of the order challenged in this appeal, and the rate proceeding in which the challenged order was issued remains ongoing before the FERC. Petitioners consented to the requested abeyance. On February 11, 2021, the Court issued an order that that this case remain in abeyance pending further order of the court. On April 21, 2021, the FERC filed an unopposed motion for continued abeyance of this case *because* the Commission intends to issue a future order on Petitioners’ request for rehearing of the challenged *Order Rejecting Compliance Filing*, and because the remand proceeding in which the challenged order was issued remains ongoing.

On May 4, 2021, the Court ordered that this case remain in abeyance pending further order of the Court, directing the FERC to file a status report by September 1, 2021 and at 120-day intervals thereafter. The parties were directed to file motions to govern future proceedings in this case within 30 days of the completion of agency proceedings. The FERC’s last status report, indicating that the proceedings before the FERC remain ongoing and that this appeal should continue to remain in abeyance, was filed on November 20, 2024.

¹⁵³ *ISO New England Inc.*, 161 FERC ¶ 61,031 (Oct. 6, 2017) (“*Order Rejecting Filing*”).

¹⁵⁴ The “TOs” are CMP; Eversource Energy Service Co., on behalf of its affiliates CL&P, NSTAR and PSNH; National Grid; New Hampshire Transmission; UI; Unitil and Fitchburg; VTransco; and Versant Power.

¹⁵⁵ *Emera Maine v. FERC*, 854 F.3d 9 (D.C. Cir. 2017) (“*Emera Maine*”).

- ***Chevron Doctrine (US Supreme Ct 20-1329)***¹⁵⁶

Status: Overturned

On June 28, 2024, the Supreme Court overturned the *Chevron* deference doctrine in its decisions in *Loper Bright v. Raimondo* and *Relentless, Inc. v. Dep't of Commerce*.¹⁵⁷ *Chevron*, a landmark and often-cited 1984 decision, required courts to defer to a federal agency's reasonable interpretation of ambiguity in a statute.¹⁵⁸ A more fulsome summary of the *Loper Bright* and *Relentless* Decisions and some of their projected impacts are included as Appendix A to this Report.

¹⁵⁶ *Loper Bright Enterprises v. Raimondo*, No. 22-451 at 1–2 (U.S. June 28, 2024) (citing *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U. S. 837, 842 (1984)).

¹⁵⁷ *Id.*

¹⁵⁸ *Chevron* had established a two-step framework for courts to address ambiguity and gaps in statutes. In step one, a court was required to determine whether Congress had “directly spoken to the precise question at issue” using “traditional tools of statutory construction.” If the courts could not determine a clear congressional intent, in step two, the court was required to assess whether the agency’s interpretation was a “permissible construction of the statute.”

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