

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

Maine Office of the Public Advocate,)
Maine Public Utilities Commission,)
and Maine Department of Energy)
Resources)

Complainants,)

v.)

Docket No. EL26-103

ISO New England Inc.,)
Central Maine Power Company,)
Versant Power, and Maine)
Electric Power Company)

Respondents.)

**MOTION FOR DISMISSAL AS A PARTY
AND, IN THE ALTERNATIVE,
ANSWER TO COMPLAINT
OF ISO NEW ENGLAND INC.**

Pursuant to Rule 212 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (the “Commission”), 18 C.F.R. § 385.212, ISO New England Inc. (“ISO-NE” or “ISO”) moves for dismissal, with prejudice, of ISO-NE as a party to this proceeding. This proceeding involves a complaint that the Maine Office of the Public Advocate, Maine Public Utilities Commission, and Maine Department of Energy Resources (collectively, the “ME State Agencies”) filed against several New England Transmission Owners (“NETOs”)—Central Maine Power Company (“CMP”), Versant Power (“Versant”), and Maine Electric Power Company (“MEPCO”) (collectively, NETO Respondents)—and ISO-NE on September 1, 2026, in the above referenced docket.¹ The Complaint challenges the just and reasonableness of the

¹ *Maine Office of the Public Advocate, et al. v. ISO New England Inc., et al.*, Docket No. EL26-103-000 (September 1, 2026) (“Complaint”).

NETO Respondents' collection of the return on equity ("ROE") adder for participation in the ISO-NE Regional Transmission Organization ("RTO Participation Adder" or "Adder"), and asks the Commission to direct: (1) the submission of a compliance filing terminating the Adder; and (2) the refund of any Adder-related charges imposed after the Complaint's effective date.²

ISO-NE respectfully requests that the Commission consider its motion for dismissal expeditiously to avoid needless expenditure of ISO-NE resources in participating in this proceeding. As the Complaint submits, ISO-NE has been included as a Respondent in this action solely "because the Complaint challenges charges authorized under ISO-NE's Open Access Transmission Tariff" ("OATT"),³ and that the real parties in interest are CMP, Versant, and MEPCO.⁴ Indeed, the Complaint anticipates that ISO-NE would ask to be dismissed from this proceeding, and expressly states that the ME State Agencies would not object to such a motion "assuming it includes an express commitment by ISO-NE to abide by any Commission decision in this proceeding."⁵

The Commission should promptly dismiss ISO-NE as a party to this proceeding, as it is not a necessary party. **Certainly, ISO-NE is obligated to and will abide by any Commission decision on this matter, including by filing any Tariff amendments that may be ordered and processing any required refunds.** In the event that the Commission declines to grant dismissal of ISO-NE from the proceeding, ISO-NE provides its answer to the Complaint.⁶

I. BACKGROUND

The Complaint states that CMP, Versant, and MEPCO's participation in the New England

² See Complaint at 1-2.

³ Capitalized terms used but not defined in this motion have the meaning as defined in ISO-NE's Transmission, Markets and Services Tariff ("Tariff"). The OATT is contained in Section II of the Tariff.

⁴ See Complaint at n. 3; 16.

⁵ Complaint at n.3; *see also* Complaint at 16.

⁶ 18 C.F.R. § 385.213.

RTO is no longer voluntary given a law that Maine enacted in 2026,⁷ and therefore, the inclusion of the RTO Participation Adder in their respective transmission formula rates for transmission service under ISO-NE's OATT is unjust and unreasonable, and must be excluded from transmission charges they collect from ratepayers.⁸ The Complaint requests that the Commission: (1) establish a refund date pursuant to FPA Section 206 as of the date of the Complaint (*i.e.*, September 1, 2026); (2) find NETO Respondents' continued receipt of Adder charges unjust and unreasonable; (3) require ISO-NE to adopt as a replacement rate a revised Tariff that removes payment of the Adder from the rates charged by NETO Respondents; and (4) direct that NETO Respondents refund any RTO adder-related charges imposed after the effective date of this Complaint, consistent with the Commission's FPA Section 206 authority.⁹

Importantly, the Complaint explicitly recognizes that the real parties in interest are the NETO Respondents, and that the only reason it includes ISO-NE as a party is that the charges are collected under ISO-NE's OATT: "The primary Respondents are Central Maine Power Company, Versant Power, and Maine Electric Power Company . . . ISO New England (ISO-NE) has been included as a Respondent because the Complaint challenges charges authorized under ISO-NE's Open Access Transmission Tariff . . ."¹⁰ The Complaint further states that the "ME State Agencies would not object to ISO-NE's dismissal as a Respondent if it makes express its commitment to abide by any Commission decision in this proceeding, including by filing any Tariff amendments that may be ordered and processing any related refunds."¹¹

⁷ See Complaint at 3-4; 10-13.

⁸ See *id.* at 2-6; 13.

⁹ See *id.* at 6-7

¹⁰ *Id.* at 16; see also n. 3.

¹¹ *Id.*

II. MOTION FOR DISMISSAL OF THE ISO AS A PARTY

The Commission should promptly dismiss ISO-NE as a party to this proceeding to avoid expending ISO-NE resources in participating in this proceeding. Put simply, it is unnecessary for the ISO to be a party to this proceeding in order to consider, formulate or implement the requested relief in the Complaint if ultimately ordered by the Commission.

As briefly explained above, the Complaint challenges the inclusion of the RTO Participation Adder in CMP, Versant, and MEPCO's respective transmission formula rates for transmission service under ISO-NE's OATT. While the charges associated with those rates are authorized under the ISO-NE OATT, the transmission formula rates and charges are not the ISO's. ISO-NE also does not have any ROE even for the collection of its administrative costs under Section IV.A of the ISO-NE Tariff, because it is a not-for-profit, non-stock corporation. Therefore, any order regarding the treatment of the RTO Participation Adder in the transmission formula rates would necessarily be directed at CMP, Versant, and MEPCO and not at ISO-NE.

Under Sections 3.04(a) and (b) of the Transmission Operating Agreement ("TOA") between ISO-NE and the Participating Transmission Owners ("PTOs"), the PTOs have the sole FPA Section 205 filing rights over the rates for transmission service specified in the ISO-NE OATT, including return on invested equity. This has been the case ever since the documents establishing ISO-NE as the RTO for New England were first filed and subsequently accepted.¹² According to Section 3.10(a)(i) of the TOA, the ISO simply invoices the "rates . . . for Transmission Service under the ISO OATT and related service agreements which the PTOs have filed with FERC pursuant to Section 3.04(b) and which have been accepted by FERC . . . other than amounts billed directly by PTOs pursuant to [their Local Services Schedules under Schedule

¹² See *ISO New England Inc.*, 106 FERC ¶ 61,280 at PP 60, 71 (2004).

21 of the ISO OATT].”

Given ISO-NE’s purely administrative role in relation to the transmission formula rates that are the subject matter of the Complaint, the ISO’s lack of pecuniary interest in the outcome of this proceeding, and the Complaint’s own admission that CMP, Versant, and MEPCO are the real parties in interest and anticipation of this motion to dismiss, ISO-NE respectfully requests that the Commission dismiss ISO-NE as a party to this proceeding. Such a dismissal would be consistent with prior Commission action dismissing ISO-NE from a previous complaint proceeding,¹³ and comports with other decisions in which the Commission has dismissed from complaint proceedings entities that are not real parties in interest.¹⁴

III. ISO’S ANSWER TO THE COMPLAINT

In the event the Commission denies ISO-NE’s motion for dismissal as a party, the ISO respectfully provides the following answer to the Complaint in accordance with the Commission’s Rule 213(a).¹⁵ ISO-NE has no pecuniary interest in the outcome of this proceeding. Therefore, ISO-NE takes no position on the merits of the claims the ME State Agencies assert in the Complaint and takes no position on the propriety of any relief the ME State Agencies request in the Complaint.

IV. COMMUNICATIONS

Correspondence and communications regarding this filing should be addressed to the undersigned as follows:

¹³ See *Coakley v. Bangor Hydro-Electric Co.*, 139 FERC ¶ 61,090 (2012).

¹⁴ See, e.g., *UNITIL Power Corp. v. Pub. Serv. Co. of N.H.*, 62 FERC ¶ 61,055, at 61,286 & ordering para.

(B) (1993) (dismissing a utility named a respondent to a complaint because it “does not actually provide electric service to [the respondent]” that provided wholesale service to the complainant); see also *N. Star Steel Co. v. Ariz. Pub. Serv. Co.*, 116 FERC ¶ 61,022 (2006) (dismissing complaint where respondents had no privity of contract with complainant).

¹⁵ 18 C.F.R. § 385.213(a).

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V. CONCLUSION

For the foregoing reasons, ISO-NE respectfully requests that the Commission promptly grant this motion for dismissal of the ISO as a party to this proceeding.

Respectfully submitted,

ISO NEW ENGLAND INC.

/s/ Ashley Gagnon

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September 18, 2026

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in these proceedings.

Dated at Holyoke, Massachusetts this 18th day of September, 2026.

/s/ Julie Horgan
Julie Horgan
eTariff Coordinator
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