



April 22, 2019

Anna V. Cochrane
Director, Office of Energy Market Regulation
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Request for Noticed Meeting in Docket Nos. ER18-2364-000 and EL18-182-000

Dear Ms. Cochrane:

The undersigned parties – representing ISO New England, the New England states, and the participants in the New England Power Pool – hereby respectfully request a noticed, staff-led meeting in the above-referenced dockets.

The application of the *ex parte* rules in these dockets has prevented the parties from providing the Commission staff and Commissioners information about efforts to develop a comprehensive, longer-term, market-based solution to address New England's energy security challenges. The solutions and alternatives under consideration are complex. It would be particularly helpful if the region can preview its proposals and issues with Commission staff, both to assist the Commission's understanding of the issues and to receive any preliminary feedback and direction. We understand that pre-filing meetings facilitate Commission staff's review of proposals, especially those involving complex issues. Accordingly, and with reference to the complexity of the issues raised and the diversity of perspectives in these dockets, we ask the Commission to notice and to hold a joint, public, staff-led meeting to create a forum for pre-filing discussions without violating the *ex parte* limitations.

Background

On May 1, 2018, the ISO asked the Commission to waive certain Tariff provisions so that the ISO could retain, for fuel security purposes, two generating units that had indicated an intent to retire.¹ In a July 2, 2018 order,² the Commission rejected that waiver request, and (among other things) determined that the Tariff may be unjust and unreasonable, and initiated a proceeding under

¹ Petition of ISO New England Inc. for Waiver of Tariff Provisions, FERC Docket No. ER18-1509 (filed May 1, 2018).

² Order Denying Waiver Request, Instituting Section 206 Proceeding, and Extending Deadlines, 164 ¶ 61,003 (issued July 2, 2018) ("July 2, 2018 Order").

Section 206 of the Federal Power Act requiring that ISO-NE either explain why the Tariff remains just and reasonable or (1) file, by August 31, 2018, Tariff provisions of general applicability to authorize ISO-NE to enter into cost-of-service arrangements to retain resources needed in the future for fuel security; and (2) file a market design later in 2019 that addresses fuel security concerns.³

The Commission has established proceedings in Docket Nos. EL18-182-000, ER18-2364 and ER19-1428 for the filings made to date of fuel-security-related Tariff changes. The Commission also has pending before it in Docket No. ER18-1639 the terms of the retention of Mystic Units 8 and 9.⁴ The undersigned are not seeking to discuss any issues relating to those ongoing matters.

The ISO, states and NEPOOL stakeholders have been exploring potential longer-term changes to New England's market design that would more durably address fuel security issues in New England.⁵ The July 2 Order set July 1, 2019 as a deadline for filing such a design. Given the scope and complexity of the issues involved, however, the ISO requested, with the support of both NEPOOL and the states, an extension of the Commission's deadline for that filing to November 15, 2019.⁶ The Commission subsequently extended the deadline to October 15, 2019.⁷

Request

We request that the Commission hold a staff-led noticed meeting at the Commission during the week of July 22. That timing provides the ISO, states and stakeholders time they need to further develop, explore and consider longer-term energy security solutions. The ISO has recently issued an Energy Security White Paper reflecting the ISO's proposal, and the region is now working to better understand that proposal and the refinements and/or alternatives to that proposal that are being advocated in the stakeholder process. Importantly, the week of July 22 still leaves time following the meeting for ISO-NE, the states and stakeholders to address any feedback or suggestions shared at the public meeting. For your convenience, we have attached a form of notice that you can use for such a meeting.

We make this request because the circumstances, the complexity of the proposals and issues involved, and the diversity of perspectives make discussions with Commission staff particularly desirable. In-person discussions with staff will provide us all with valuable insights to inform

³ July 2, 2018 Order at P 55.

⁴ See Constellation Mystic Power LLC, Annual Fixed Revenue Requirement, Capital Expense Recovery, and Stipulated Variable Cost Recovery for Mystic 8 & 9 Fuel Security Service, FERC Docket ER18-1639-000 (filed May 16, 2018).

⁵ Please see the April, 2019 paper describing the ISO's proposed energy security market design at https://www.iso-ne.com/static-assets/documents/2019/04/a00_iso_discussion_paper_energy_security_improvements.pdf ("Energy Security White Paper").

⁶ ISO New England Inc., Request for Extension of Time, FERC Docket No. EL18-182-000 (filed January 18, 2019).

⁷ Notice of Extension of Time, FERC Docket No. EL18-182-000 (filed March 18, 2019).

solutions that are begin discussed. Such discussions might also better prepare the Commission and staff for the filings that will be submitted in October.

While we are open to any meeting structure that would be valuable to staff or that the Commission or staff has found to be particularly effective, we propose that the meeting include three panels of approximately ninety minutes each: an initial panel in which ISO New England staff presents its proposed design; a panel of NEPOOL and member representatives to present their perspectives on the ISO-NE design and refinements or alternatives being considered in the NEPOOL process; and an opportunity for states to provide perspectives. While we expect and welcome questions throughout the day, we would suggest there also be time set aside at the end of the meeting for questions and answers informed by the day's discussions.

We thank you for your consideration of this request, and hope to see you in July to discuss these important issues.

Sincerely,

ISO New England Inc.

By: /s/ Maria Gulluni

Maria Gulluni

Its Vice President and General Counsel

New England States Committee on Electricity

By: /s/ Heather Hunt

Heather Hunt

Its Executive Director

NEPOOL Participants Committee

By: /s/ Nancy Chafetz

Nancy Chafetz

Its Chair

[DRAFT FORM OF NOTICE]

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

ISO New England Inc.

Docket Nos. ER18-2364-000
EL18-182-00

NOTICE OF PUBLIC MEETING
(April __, 2019)

Take notice that the Federal Energy Regulatory Commission (Commission) staff will hold a public meeting to hear from ISO New England (ISO-NE), New England Power Pool (NEPOOL) participants, and representatives of the New England states on the status of efforts in New England to develop a comprehensive, longer-term, market-based solution to address New England's energy security challenges. The public meeting will take place on July __, 2019 at the Commission's offices at 888 First Street, NE, Washington, DC beginning at 10:00 a.m. (Eastern Time). Commission staff will lead the meeting and Commissioners may attend.

Commission orders in the captioned proceeding require that a filing be submitted by October 15, 2019 to address New England's energy security challenges in the ISO New England Transmission, Markets and Services Tariff. ISO-NE, the New England States Committee on Electricity, and the NEPOOL Participants Committee jointly requested a public meeting to discuss these matters with the Commission staff without violating the Commission's *ex parte* rules. This noticed public meeting is in response to that request.

If there is further information related to this public meeting, it will be provided in a supplemental notice.

All interested persons may attend the public meeting, and registration is not required. However, in-person attendees are encouraged to register on-line at: [insert hyperlink]. In-person attendees should allow time to pass through building security procedures before the 10:00 a.m. start time of the meeting.

Commission public meetings are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to accessibility@ferc.gov or call toll free 1-866-208-3372 (voice) or 202-208-8659 (TTY), or send a fax to 202-208-2106 with the required accommodations.

Kimberly D. Bose,
Secretary.