

171 FERC ¶ 61,122
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

ISO New England Inc.
Participating Transmission Owners Administrative
Committee

Docket No. ER19-1951-001

NOTICE REJECTING FILING

(May 19, 2020)

On March 19, 2020, the Commission issued an order addressing a compliance filing submitted by ISO New England Inc. (ISO-NE) and the Participating Transmission Owners Administrative Committee on behalf of the New England Participating Transmission Owners (collectively, Filing Parties).¹ In the compliance filing, Filing Parties proposed revisions to the ISO-NE Transmission, Markets and Services Tariff in compliance with the requirements of Order Nos. 845 and 845-A.² In the March 19 Order, the Commission found that the compliance filing partially complied with the requirements of Order No. 845 and Order No. 845-A and directed the Filing Parties to submit a further compliance filing.

On April 20, 2020, ISO-NE submitted a filing, titled “Motion for Clarification, and for Expedited Action, of ISO New England Inc.,” in which it requested that the Commission provide clarification with respect to one compliance deadline³ and certain aspects of the March 19 Order related to the availability of surplus interconnection service for network resource interconnection service customers. In particular, ISO-NE challenges the scope of the analysis required to determine whether upgrades are necessary to accommodate a request for surplus interconnection service. While the

¹ *ISO New England Inc.*, 170 FERC ¶ 61,209 (March 19 Order), *errata notice*, 171 FERC ¶ 61,067 (2020).

² *Reform of Generator Interconnection Procedures and Agreements*, Order No. 845, 163 FERC ¶ 61,043 (2018), *errata notice*, 167 FERC ¶ 61,123, *order on reh’g*, Order No. 845-A, 166 FERC ¶ 61,137 (2019), *errata notice*, 167 FERC ¶ 61,124, *order on reh’g*, Order No. 845-B, 168 FERC ¶ 61,092 (2019).

³ On April 22, 2020, the Commission issued an errata to indicate that the compliance deadline at issue should be 120 days instead of 60 days as set forth in paragraph 35 of the March 19 Order. *Errata Notice*, 171 FERC ¶ 61,067.

March 19 Order specifically stated that “Filing Parties do not comply with the requirement outlined in *pro forma* LGIP section 3.3.1 that the transmission provider’s analysis *will* identify any additional interconnection facilities and/or network upgrades necessary for surplus service,”⁴ ISO-NE argues that it only need identify whether upgrades are required rather than identify the specific upgrades themselves.⁵

While ISO-NE’s pleading nominally styles itself as a “Motion for Clarification,” in substance, it is a request for rehearing because, for example, ISO-NE is asking the Commission to reconsider the requirement to identify the specific upgrades necessary for surplus interconnection service. Moreover, ISO-NE’s filing was submitted through the Commission’s eFiling system as a “Request for Rehearing or Appeal,” and ISO-NE cites section 313 of the Federal Power Act and Rule 713 of the Commission’s Rules of Practice and Procedure.⁶ As a request for rehearing, though, ISO-NE’s filing does not meet the Commission’s requirements for submission of a request for rehearing of a Commission order. As set forth in the Commission’s Rules of Practice and Procedure, ISO-NE’s filing does not include a required “Statement of Issues,” listing each issue with citations to relevant Commission and court precedent.⁷ Similarly, ISO-NE’s filing does not comply with the Commission’s Rules of Practice and Procedure because the filing does not use the word “rehearing” in the descriptive heading, but rather describes the filing as a “Motion for Clarification.”⁸

For these reasons, ISO-NE’s April 20, 2020 filing is hereby rejected.⁹

Kimberly D. Bose,
Secretary.

⁴ *ISO New England Inc.*, 170 FERC ¶ 61,209 at P 129.

⁵ ISO-NE April 20, 2020 Motion for Clarification and Expedited Action at 6-7.

⁶ 16 U.S.C. § 825l (2018); 18 C.F.R. § 385.713 (2019).

⁷ 18 C.F.R. § 385.713(c)(2).

⁸ *Id.* § 385.2002(d).

⁹ New England Power Pool Participant Committee filed an answer to ISO-NE’s pleading on May 4, 2020. Given this notice, the answer will not be addressed.

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