

EXECUTIVE SUMMARY
Status Report of Current Regulatory and Legal Proceedings
as of September 3, 2024

The following activity, as more fully described in the attached Litigation Report, has occurred since the report dated July 31, 2024 (“last Report”) was circulated. New matters/proceedings since the last Report are preceded by an asterisk ‘*’. Page numbers precede the matter description.

FERC I. Complaints/Section 206 Proceedings

1	206 Proceeding: <i>TO Initial Funding Show Cause Order</i> (EL24-83)	Aug 15	FERC issues Allegheny Notice noting that Indicated Utilities’ request for reh’g may be deemed to have been denied by operation of law, but noting that Indicated Utilities’ request will be addressed in a future order
		Aug 30	Parties appeal FERC orders in 8 th Circuit
3	RENEW Network Upgrades O&M Cost Allocation Complaint (EL23-16)	Aug 9	RENEW replies to PTO AC’s protest to July 16 supplemental submissions

II. Rate, ICR, FCA, Cost Recovery Filings

6	Bear Swamp Power Co. CIP IROL (Schedule 17) Cost Recovery Schedule Filing (ER24-2260)	Aug 2	FERC accepts Bear Swamp Power Co.’s CIP-IROL Rate Schedule, eff. <i>Jun 12, 2024</i>
6	MOPA Formal Challenge to TO’s Annual (2023-24) Transmission Rate Update/Info Filing (ER20-2054-000)	Aug 23-29	Indicated TOs submit all responses to MOPA Formal Challenge (both public and confidential)
7	Mystic 8/9 COSA (ER18-1639)		
9	(-027) Second CapEx Info Filing Settlement Proceedings	Aug 7	Judge French issues 4 th status report recommending that settlement proceedings continue
		Aug 29	7 th formal settlement conference held
11	Mystic COSA Protocols Waiver Request (ER24-2528)	Aug 12	FERC grants waiver of the deadlines in Sections II.6.A and II.4.F of the Protocols to allow for a delay to the filing of the 2024 Informational Filing while settlement negotiations that may impact the 2024 Informational Filing are ongoing
* 11	Mystic COSA ROE Settlement Agreement (ER24-2804)	Aug 14	Mystic files ROE Settlement (lowering the ROE to 9.0%) to resolve pending DC Circuit ROE litigation
		Aug 29-30	ISO-NE, CT PURA, MMWEC, National Grid, NHEC intervene

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

* 12	Waiver Request: Late Stage SIS Process (GDQ ESS) (ER24-2926)	Aug 29	GDQ ESS requests waiver of pending Tariff provisions so as to allow its acceptance after Aug 30, 2024 of the SIS results for its facility 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; comment deadline Sep 19, 2024
* 12	DASI Conforming Changes (ER24-2883)	Aug 27	ISO-NE and NEPOOL file DASI Conforming Tariff Changes; comment deadline Sep 17, 2024
		Aug 28-Sep 3	Calpine, Public Citizen intervene

13	MW-Dependent Fuel Price Adjustments (ER24-2584)	Aug 1-13 Aug 14	EPSA, MA DPU, National Grid intervene ISO-NE IMM, NEPGA, Vistra submit comments supporting the Fuel Price Adjustments
13	eTariff § I.2 Corrections (ER24-2270)	Aug 5	FERC accepts eTariff changes, eff. <i>Apr 15, 2024</i>
13	Waiver Request: Withdrawal from IEP and Return of IEP Net Revenues Received (Canal Marketing/ Canal 3) (ER24-1407)	Aug 12 Aug 21 Aug 27	FERC issues 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 Chief ALJ designates ALJ Patricia E. Hurt as the settlement judge Judge Hurt schedules first settlement conference for Sep 23, 2024
16	New England's <i>Order 2222</i> Compliance Filings: ATTR Submetering Revisions (ER22-983-009)	Aug 1 Aug 12	NEPOOL supports ATTR Submetering Revisions NEPOOL files comments supporting Revisions

IV. OATT Amendments / TOAs / Coordination Agreements



* 16	Fitchburg Att. F App. D Depreciation Rate Changes (ER24-2766)	Aug 13	Fitchburg files changes to reflect updated depreciation rates as approved by the MPUC
16	<i>Order 2023</i> Compliance Changes (ER24-2009)	Aug 5 Aug 7	Longroad Energy answers ISO-NE's Jul 19 Answer ISO-NE answers Longroad's Aug 5 Additional Answer
17	<i>Order 2023</i> Related Changes (ER24-2007)	Aug 5 Aug 7	Longroad Energy answers ISO-NE's Jul 19 Answer ISO-NE answers Longroad's Aug 5 Additional Answer

V. Financial Assurance/Billing Policy Amendments



No Activity to Report

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



No Activity to Report

VII. NEPOOL Agreement/Participants Agreement Amendments



20	135th Agreement; PA13 (Unused Provisional Member Voting Share Allocation Changes) (ER24-2636)	Aug 5-13	Calpine, National Grid intervene
----	---	----------	----------------------------------

VIII. Regional Reports



* 20	Capital Projects Report – 2024/Q2 (ER24-2769)	Aug 9 Aug 15 Aug 30	ISO-NE files Q2 2024 Capital Projects Report NEPOOL files comments supporting ISO-NE 2024 Q2 Report National Grid intervenes
* 21	Interconnection Study Metrics Processing Time Exceedance Report 2024/Q2 (ER19-1951)	Aug 14	ISO-NE files required quarterly report
* 22	ISO-NE FERC Form 3Q (2024/Q2) (not docketed)	Aug 23	ISO-NE submits its 2024 Q2 FERC Form 3Q

IX. Membership Filings



- | | | | |
|----|---|--------|--|
| 22 | Sep 2024 Membership Filing (ER24-2925) | Aug 30 | New Members: Elyctra LLC and Halia Energy LLC; and
Termination of Participant status: Town on Hanover, NH; comment deadline Sep 20, 2024 |
| 22 | July 2024 Membership Filing (ER24-2430) | Aug 22 | FERC accepts (i) the Data-Only memberships of Aurora Energy Research and Enverus; and (ii) the termination of the Participant status of KCE CT 10, LLC |

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



- | | | | |
|------|--|--------|--|
| * 23 | 2025 NERC/NPCC Business Plans and Budgets (RR24-5) | Aug 23 | NERC submits proposed 2025 Business Plan and Budget for itself and its Regional Entities, including NPCC; comment deadline Sep 13, 2024 |
|------|--|--------|--|

XI. Misc. - of Regional Interest



- | | | | |
|------|--|-----------|--|
| * 24 | 203 Application: Carlyle Group (Nautilus)/Q-Generation (Trafigura) (EC24-114) | Aug 23 | Applicants request authorization for Q-Generation’s acquisition of 100% of the interests of a company indirectly owned by investment fund vehicles managed/advised by The Carlyle Group (owner of Nautilus Power and its Related Persons); comment deadline Sep 13, 2024 |
| | | Aug 28 | PJM IMM intervenes |
| 24 | 203 Application: Trailstone/Engelhart (EC24-87) | Aug 23 | Transaction consummated, making Trailstone Companies and Engelhart US Related Persons |
| | | Aug 28 | Trailstone Companies file notice of consummation of transaction |
| * 25 | Wholesale Distribution Tariff – UI (ER24-2939) | Aug 30 | UI files new Wholesale Distribution Tariff to facilitate BESS resources’ participation in the ISO-NE markets via distribution facilities owned by UI; comment deadline Sep 20, 2024 |
| * 25 | CRA Cancellation: NEP/Holden (ER24-2852) | Aug 23 | NEP files notice of cancellation of its Cost Reimbursement Agreement with Holden; comment deadline Sep 13, 2024 |
| * 25 | Wholesale Distribution Tariffs – National Grid (ER24-2796 (MECO); ER24-2795 (Nantucket)) | Aug 16 | National Grid files two new Wholesale Distribution Tariffs to 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; comment deadline Sep 6, 2024 |
| | | Aug 19-30 | MDPU, MA AG, New Leaf, MA DOER intervene |
| * 26 | LGIA: ISO-NE/CL&P/Brookfield Husky Solar (ER24-2740) | Aug 9 | ISO-NE files non-conforming LGIA covering the interconnection of Brookfield’s ~50 MW solar facility located in Sterling, CT |
| | | Aug 14 | Brookfield Husky Solar intervenes |
| * 26 | D&E Agreement Cancellation: NSTAR/Hingham (ER24-2695) | Aug 2 | NSTAR submits notice of cancellation of Hingham D&E Agreement |
| 26 | E&P Agreement, 3d Amendment: Seabrook / NECEC Transmission (ER24-2588) | Aug 13 | National Grid intervenes |
| 26 | Interconnection Study Agreement: PSNH / Wok, LLC (ER24-2522) | Aug 30 | FERC accepts ISA, eff. Jul 16, 2024 |
| 26 | Versant Order 1920 MPD Waiver Request (ER24-2462) | Sep 3 | FERC grants Versant Power’s waiver request of the regional transmission planning, interregional transmission coordination, and cost allocation requirements of <i>Order 1920</i> for the MPD |

27	LCCSA: RIE/BIPCO/Pascoag (ER24-2390)	Aug 21	FERC accepts Local Control Center Services Agreement among RIE, BIPCO and Pascoag, eff. <i>May 30, 2024</i>
27	D&E Agreement Cancellation: NSTAR/Medway Grid (ER24-2356)	Aug 16	FERC accepts termination of D&E Agreement, eff. <i>Jun 26, 2024</i>
27	D&E Agreement: CL&P/BPUS (ER24-2233)	Aug 8	FERC accepts D&E Agreement, eff. <i>Aug 11, 2024</i>
28	CMP ESF Service Rate (ER24-1177)	Aug 5	Judge Hessler issues 2 nd status report recommending continuation of settlement judge procedures; 3 rd settlement conference scheduled for <i>Sep 19, 2024</i>

XII. Misc. - Administrative & Rulemaking Proceedings



* 29	Large Loads Co-Located at Generating Facilities (AD24-11)	Aug 16	FERC issues supplemental notice of Nov 1, 2024 tech. conf.
29	Innovations & Efficiencies in Generator Interconnection (AD24-9)	Aug 14 Aug 23-Sep 3	FERC issues 2 nd supplemental notice of workshop Panelists provide written answers to the questions presented for their respective panel and further information for the record FERC issues 3 rd supplemental notice of workshop
29	Joint Federal-State Current Issues Collaborative (AD24-7)	Sep 3 Aug 12	FERC issues order listing Collaborative members, including, from NECPUC, MPUC Chairman Phil Bartlett and NHPUC Commissioner Pradip Chattopadhyay

XIII. FERC Enforcement Proceedings



Electric-Related Enforcement Actions

33	VES Stipulation and Consent Agreement (IN24-11)	Aug 6	FERC approves Stipulation and Consent Agreement that resolves OE's investigation into whether VES violated the CAISO Tariff and FERC regulations by submitting bids for a battery storage system that was not reasonably expected to be available and capable of performing at the levels specified in the bids; VES agrees to disgorge \$1.67 million , pay a \$1 million civil penalty , and be subject to compliance monitoring
34	NextEra CAISO Affiliates Stipulation and Consent Agreement (IN24-10)	Aug 8	FERC approves Stipulation and Consent Agreement that resolves OE's investigation into whether NextEra CAISO Affiliates violated the CAISO Tariff and FERC regulations when providing ancillary services to CAISO; NextEra CAISO Affiliates agree to disgorge \$381,724 , pay a \$105,000 civil penalty , and be subject to compliance monitoring

XIV. Natural Gas Proceedings



No Activity to Report

XV. State Proceedings & Federal Legislative Proceedings



No Activity to Report

XVI. Federal Courts



38	<i>Order 1920</i> : Transmission Planning Reforms (24-1254 et al.) (consolidated)	Aug 9	Judicial Panel on Multidistrict Litigation randomly selects Fourth Circuit in which to consolidate the petitions for review of <i>Order 1920</i> ; DC Circuit orders its cases be transferred to the Fourth Circuit
38	Mystic Second CapEx Info Filing (24-1077)	Aug 6	Court grants Mystic's unopposed Jul 16 motion, ordering that the case continue to be held in abeyance, with parties directed to file motions to govern future proceedings by Dec 4, 2024

39	<i>Orders 2023 and 2023-A</i> (23-1282 et al.) (consolidated)	Aug 5 Aug 21	Court issues briefing and format schedule Parties file Initial Submissions and Certified Index to the Record
39	<i>Order 2222 Compliance Orders</i> (23-1167, 23-1168, 23-1169, 23-1170, 23-1335)(consolidated)	Jul 31	Court issues order that these consolidated cases remain in abeyance pending further order of the court; FERC directed to file status reports at 60-day intervals beginning Sep 30, 2024
40	<i>Mystic II (ROE & True-Up)</i>	Aug 14	Mystic files unopposed Settlement Agreement to set the ROE at 9.0% and moot these appeals (<i>see</i> Section II, ER24-2804)

M E M O R A N D U M

TO: NEPOOL Participants Committee Members and Alternates

FROM: Pat Gerity, NEPOOL Counsel

DATE: September 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 September 3, 2024. If you have questions, please contact us.

I. Complaints/Section 206 Proceedings

- **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).² 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.³ 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.⁴ 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.⁵ The refund effective date for this proceeding will be June 24, 2024.⁶ 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 *ISO New England Inc. et al.*, 187 FERC ¶ 61,170 (June 13, 2024) (“*TO Initial Funding Show Cause Order*”).

³ *Id.* at P 1.

⁴ *Id.*

⁵ *Id.* at P 2.

⁶ 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:⁷ NEPOOL, 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.

Deemed Denied by Operation of Law – Indicated Utilities⁸ (-001). On July 15, 2024, Indicated Utilities requested rehearing, if and as appropriate, and requested that the FERC rescind its *TO Initial Funding Show Cause Order*. On August 15, 2024, the FERC issued an “Allegheny Notice”,⁹ noting that Indicated Utilities request for rehearing may be deemed to have been denied by operation of law, but noting that Indicated Utilities’ request will be addressed in a future order.¹⁰

Federal Court Appeals. On August 30, 2024, certain parties¹¹ filed a petition for review of the FERC’s orders in this proceeding in the 8th Circuit. Further 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)**

This Section 206 proceeding is being held in abeyance. 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.¹² Changes in response to some of the requirements of the *Dynegy Mitigation Order* (“Upward Mitigation Revisions”) were supported by the Participants Committee, jointly filed with ISO-NE,

⁷ 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).

⁸ “Indicated Utilities” are: Ameren Svcs. Co. (“Ameren”), on behalf of Ameren Illinois Co. (“Ameren Illinois”), Union Elec. Co. d/b/a Ameren Missouri, and Ameren Trans. Co. of Illinois (“ATXI”); American Trans. Co. LLC (“ATC”); Duke Energy Corp., on behalf of Duke Energy Business Services, LLC and its franchised public utility affiliates, Duke Energy Ohio, Inc. (“Duke Ohio”), Duke Energy Kentucky, Inc. (“Duke Kentucky”), Duke Energy Indiana, LLC (“Duke Indiana”) (collectively “Duke Energy”); Exelon Corp. on behalf of its affiliates Atlantic City Elec. Co., Baltimore Gas and Elec. Co., Commonwealth Edison Co., Delmarva Power & Light Co., PECO Energy Company, and Potomac Elec. Power Co.; Northern Indiana Pub. Svcs. Co. LLC (“NIPSCO”); and Xcel Energy Services, Inc. (“XES”), on behalf of Northern States Power Co., a Minnesota Corp. (“NSPM”), Northern States Power Co., a Wisconsin Corp. (“NSPW”), and Southwestern Public Service Co. (“SPS”).

⁹ The FERC issues an “Allegheny Notice” when it does not act within 30 days after receiving a challenge (a request for clarification and/or rehearing) to a FERC order. An Allegheny Notice confirms that the request is deemed denied by operation of law (see *Allegheny Def. Project v. FERC*, 964 F.3d 1, 2020 WL 3525547 (D.C. Cir. June 30, 2020)) and the FERC order is final and ripe for appeal. The FERC has the right, up to the point when the record in a proceeding is filed with the court of appeals, to modify or set aside, in whole or in part, any finding or order made or issued by it. The FERC’s intention to avail itself of its right and to issue a further order addressing the issues raised in the request (a “merits order”) is signaled by the phrase “and providing for Further Consideration”; the absence of that phrase signals that the FERC does not intend to issue a merits order in response to the rehearing request.

¹⁰ *Midcontinent Independent System Operator, Inc. et al.*, 188 FERC ¶ 62,084 (Aug. 15, 2024) (“*TO Initial Funding Show Cause Allegheny Notice*”).

¹¹ 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. Svcs. Co. LLC, Xcel Energy Services Inc., Northern States Power Co., a MN Corp., Northern States Power Co., a WI Corp., and Southwestern Pub. Svcs. Co. (“8th Circuit Parties”).

¹² *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 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.

accepted by the FERC,¹³ and became effective as of *December 12, 2023*. On January 29, 2024, ISO-NE requested that this proceeding continue to be held in abeyance,¹⁴ through August 30, 2024, “pending completion of the stakeholder process through which further revisions to [the Tariff] are being proposed and vetted.”¹⁵ The FERC granted ISO-NE’s motion on February 7, 2024, stating that it would not take any action on this 206 proceeding before August 30, 2024.

Further changes to address 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), below). Those changes are pending before the FERC. 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, Narragansett (“RI Energy”), National Grid, New Leaf Energy, NextEra, NRG, Versant, CT DEEP, MA DPU, the American Clean Power Association (“ACPA”), Solar Energy Industries Association (“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).

¹³ *ISO New England Inc.*, Docket No. ER24-324-000 (Dec. 12, 2023) (unpublished letter order).

¹⁴ On July 14, 2023, the FERC granted ISO-NE’s June 28, 2023 motion, supported by NEPOOL on July 5, 2023, requesting that the FERC hold this proceeding in abeyance to allow potential ISO-NE Tariff design changes to be vetted through the Participant Processes. The FERC stated that it would not take any action on this 206 proceeding before Feb. 1, 2024.

¹⁵ ISO-NE identified as additional topics not fully addressed by the Upward Mitigation Revisions the following: (1) whether the duration of general threshold energy mitigation is appropriate; and (2) whether a Resource should be permitted to submit multiple fuel price adjustments that reflect the cost of fuel for segments of its Supply Offer that exceed a Resource’s Day-Ahead Energy Market awards.

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.

- **Base ROE Complaints I-IV: (EL11-66, EL13-33; EL14-86; EL16-64)**

There are four proceedings pending before the FERC in which consumer representatives seek to reduce the TOs' return on equity ("Base ROE") for regional transmission service.

- **Base ROE Complaint I (EL11-66).** In the first Base ROE Complaint proceeding, the FERC concluded that the TOs' ROE had become unjust and unreasonable,¹⁷ set the TOs' Base ROE at 10.57% (reduced from 11.14%), capped the TOs' total ROE (Base ROE *plus* transmission incentive adders) at 11.74%, and required implementation effective as of October 16, 2014 (the date of *Opinion 531-A*).¹⁸ However, the FERC's orders were challenged, and in *Emera Maine*,¹⁹ the U.S. Court of Appeals for the D.C. Circuit ("DC Circuit") vacated the FERC's prior orders, and remanded the case for further proceedings consistent with its order. The FERC's determinations in *Opinion 531* are thus no longer precedential, though the FERC remains free to re-adopt those determinations on remand as long as it provides a reasoned basis for doing so.
- **Base ROE Complaints II & III (EL13-33 and EL14-86) (consolidated).** The second (EL13-33)²⁰ and third (EL14-86)²¹ ROE complaint proceedings were consolidated for purposes of hearing and decision, though the parties were permitted to litigate a separate ROE for each refund period. After hearings were completed, ALJ Sterner issued a 939-paragraph, 371-page *Initial Decision*, which lowered the base ROEs for the EL13-33 and EL14-86 refund periods from 11.14% to 9.59% and 10.90%, respectively.²² The *Initial Decision* also lowered the ROE ceilings. Parties to these proceedings filed briefs on exception to the FERC, which has not yet issued an opinion on the ALJ's *Initial Decision*.
- **Base ROE Complaint IV (EL16-64).** The fourth and final ROE proceeding²³ also went to hearing before an Administrative Law Judge ("ALJ"), Judge Glazer, who issued his initial decision on March

¹⁷ The TOs' 11.14% pre-existing Base ROE was established in *Opinion 489. Bangor Hydro-Elec. Co.*, Opinion No. 489, 117 FERC ¶ 61,129 (2006), *order on reh'g*, 122 FERC ¶ 61,265 (2008), *order granting clarif.*, 124 FERC ¶ 61,136 (2008), *aff'd sub nom.*, Conn. Dep't of Pub. Util. Control v. FERC, 593 F.3d 30 (D.C. Cir. 2010) ("*Opinion 489*").

¹⁸ *Coakley Mass. Att'y Gen. v. Bangor Hydro-Elec. Co.*, 147 FERC ¶ 61,234 (2014) ("*Opinion 531*"), *order on paper hearing*, 149 FERC ¶ 61,032 (2014) ("*Opinion 531-A*"), *order on reh'g*, 150 FERC ¶ 61,165 (2015) ("*Opinion 531-B*").

¹⁹ *Emera Maine v. FERC*, 854 F.3d 9 (D.C. Cir. 2017) ("*Emera Maine*"). *Emera Maine* vacated the FERC's prior orders in the Base ROE Complaint I proceeding, and remanded the case for further proceedings consistent with its order. The Court agreed with both the TOs (that the FERC did not meet the Section 206 obligation to first find the existing rate unlawful before setting the new rate) and "Customers" (that the 10.57% ROE was not based on reasoned decision-making, and was a departure from past precedent of setting the ROE at the midpoint of the zone of reasonableness).

²⁰ The 2012 Base ROE Complaint, filed by Environment Northeast (now known as Acadia Center), Greater Boston Real Estate Board, National Consumer Law Center, and the NEPOOL Industrial Customer Coalition ("NICC", and together, the "2012 Complainants"), challenged the TOs' 11.14% ROE, and seeks a reduction of the Base ROE to 8.7%.

²¹ The 2014 Base ROE Complaint, filed July 31, 2014 by the Massachusetts Attorney General, together with a group of State Advocates, Publicly Owned Entities, End Users, and End User Organizations (together, the "2014 ROE Complainants"), seeks to reduce the current 11.14% Base ROE to 8.84% (but in any case no more than 9.44%) and to cap the Combined ROE for all rate base components at 12.54%. 2014 ROE Complainants state that they submitted this Complaint seeking refund protection against payments based on a pre-incentives Base ROE of 11.14%, and a reduction in the Combined ROE, relief as yet not afforded through the prior ROE proceedings.

²² *Environment Northeast v. Bangor Hydro-Elec. Co. and Mass. Att'y Gen. v. Bangor Hydro-Elec. Co.*, 154 FERC ¶ 63,024 (Mar. 22, 2016) ("*2012/14 ROE Initial Decision*").

²³ The 4th ROE Complaint asked the FERC to reduce the TOs' current 10.57% return on equity ("Base ROE") to 8.93% and to determine that the upper end of the zone of reasonableness (which sets the incentives cap) is no higher than 11.24%. The FERC established hearing and settlement judge procedures (and set a refund effective date of April 29, 2016) for the 4th ROE Complaint on September 20, 2016. Settlement procedures did not lead to a settlement, were terminated, and hearings were held subsequently held December 11-15, 2017. The September 26, 2016 order was challenged on rehearing, but rehearing of that order was denied on January 16, 2018. *Belmont Mun. Light Dept. v. Central Me. Power Co.*, 156 FERC ¶ 61,198 (Sep. 20, 2016) ("*Base ROE Complaint IV Order*"), *reh'g denied*, 162 FERC ¶

27, 2017.²⁴ The *Base ROE IV Initial Decision* concluded that the currently-filed base ROE of 10.57%, which may reach a maximum ROE of 11.74% with incentive adders, was **not** unjust and unreasonable for the Complaint IV period, and hence was not unlawful under Section 206 of the FPA.²⁵ Parties in this proceeding filed briefs on exception to the FERC, which has not yet issued an opinion on the *Base ROE IV Initial Decision*.

October 16, 2018 Order Proposing Methodology for Addressing ROE Issues Remanded in Emera Maine and Directing Briefs. On October 16, 2018, the FERC, addressing the issues that were remanded in *Emera Maine*, proposed a new methodology for determining whether an existing ROE remains just and reasonable.²⁶ The FERC indicated its intention that the methodology be its policy going forward, including in the four currently pending New England proceedings (see, however, *Opinion 569-A*²⁷ (EL14-12; EL15-45) in Section XI below). The FERC established a paper hearing on how its proposed methodology should apply to the four pending ROE proceedings.²⁸

At highest level, the new methodology will determine whether (1) an existing ROE is unjust and unreasonable under the first prong of FPA Section 206 and (2) if so, what the replacement ROE should be under the second prong of FPA Section 206. In determining whether an existing ROE is unjust and under the first prong of Section 206, the FERC stated that it will determine a “composite” zone of reasonableness based on the results of three models: the Discounted Cash Flow (“DCF”), Capital Asset Pricing Model (“CAPM”), and Expected Earnings models. Within that composite zone, a smaller, “presumptively reasonable” zone will be established. Absent additional evidence to the contrary, if the utility's existing ROE falls within the presumptively reasonable zone, it is not unjust and unreasonable. Changes in capital market conditions since the existing ROE was established may be considered in assessing whether the ROE is unjust and unreasonable.

If the FERC finds an existing ROE unjust and unreasonable, it will then determine the new just and reasonable ROE using an averaging process. For a diverse group of average risk utilities, FERC will average four values: the midpoints of the DCF, CAPM and Expected Earnings models, and the results of the Risk Premium model. For a single utility of average risk, the FERC will average the medians rather than the midpoints. The FERC said that it would continue to use the same proxy group criteria it established in *Opinion 531* to run the ROE models, but it made a significant change to the manner in which it will apply the high-end outlier test.

The FERC provided preliminary analysis of how it would apply the proposed methodology in the Base ROE I Complaint, suggesting that it would affirm its holding that an 11.14% Base ROE is unjust and unreasonable. The FERC suggested that it would adopt a 10.41% Base ROE and cap any preexisting incentive-

61,035 (Jan. 18, 2018) (together, the “*Base ROE Complaint IV Orders*”). The *Base ROE Complaint IV Orders*, as described in Section XVI below, have been appealed to, and are pending before, the DC Circuit.

²⁴ *Belmont Mun. Light Dept. v. Central Me. Power Co.*, 162 FERC ¶ 63,026 (Mar. 27, 2018) (“*Base ROE Complaint IV Initial Decision*”).

²⁵ *Id.* at P 2.; Finding of Fact (B).

²⁶ *Coakley v. Bangor Hydro-Elec. Co.*, 165 FERC ¶ 61,030 (Oct. 18, 2018) (“*Order Directing Briefs*” or “*Coakley*”).

²⁷ *Ass’n of Bus. Advocating Tariff Equity v. Midcontinent Indep. Sys. Operator, Inc.*, Opinion No. 569-A, 171 FERC ¶ 61,154 (2020) (“*Opinion 569-A*”). The refinements to the FERC’s ROE methodology included: (i) the use of the Risk Premium model instead of only relying on the DCF model and CAPM under both prongs of FPA Section 206; (ii) adjusting the relative weighting of long- and short-term growth rates, increasing the weight for the short-term growth rate to 80% and reducing to 20% the weight given to the long-term growth rate in the two-step DCF model; (iii) modifying the high-end outlier test to treat any proxy company as high-end outlier if its cost of equity estimated under the model in question is more than 200% of the median result of all the potential proxy group members in that model before any high- or low-end outlier test is applied, subject to a natural break analysis. This is a shift from the 150% threshold applied in *Opinion 569*; and (iv) calculating the zone of reasonableness in equal thirds, instead of using the quartile approach that was applied in *Opinion 569*.

²⁸ *Id.* at P 19.

based total ROE at 13.08%.²⁹ The new ROE would be effective as of the date of *Opinion 531-A*, or October 16, 2014. Accordingly, the issue to be addressed in the Base ROE Complaint II proceeding is whether the ROE established on remand in the first complaint proceeding remained just and reasonable based on financial data for the six-month period September 2013 through February 2014 addressed by the evidence presented by the participants in the second proceeding. Similarly, briefing in the third and fourth complaints will have to address whether whatever ROE is in effect as a result of the immediately preceding complaint proceeding continues to be just and reasonable.

The FERC directed participants in the four proceedings to submit briefs regarding the proposed approaches to the FPA section 206 inquiry and how to apply them to the complaints (separate briefs for each proceeding). Additional financial data or evidence concerning economic conditions in any proceeding must relate to periods before the conclusion of the hearings in the relevant complaint proceeding. Following a FERC notice granting a request by the TOs and Customers³⁰ for an extension of time to submit briefs, the latest date for filing initial and reply briefs was extended to January 11 and March 8, 2019, respectively. On January 11, initial briefs were filed by EMCOS, Complainant-Aligned Parties, TOs, Edison Electric Institute (“EEI”), Louisiana PSC, Southern California Edison, and AEP. As part of their initial briefs, each of the Louisiana PSC, SEC and AEP also moved to intervene out-of-time. Those interventions were opposed by the TOs on January 24, 2019. The Louisiana PSC answered the TOs’ January 24 motion on February 12. Reply briefs were due March 8, 2019 and were submitted by the TOs, Complainant-Aligned Parties, EMCOS, and FERC Trial Staff.

TOs Request to Re-Open Record and file Supplemental Paper Hearing Brief. On December 26, 2019, the TOs filed a Supplemental Brief that addresses the consequences of the November 21 *MISO ROE Order*³¹ and requested that the FERC re-open the record to permit that additional testimony on the impacts of the *MISO ROE Order's* changes. On January 21, 2020, EMCOS and CAPs opposed the TOs’ request and brief.

These matters remain pending before the FERC. If you have any questions concerning these matters, please contact Eric Runge (617-345-4735; ekrunge@daypitney.com) or Joe Fagan (202-218-3901; jfagan@daypitney.com).

II. Rate, ICR, FCA, Cost Recovery Filings

- **Bear Swamp Power Co. CIP-IROL (Schedule 17) Cost Recovery Schedule Filing (ER24-2260)**

On August 2, 2024, the FERC accepted Bear Swamp Power Company’s (“Bear Swamp”) rate schedule that will allow Bear Swamp to begin the recovery period for certain Interconnection Reliability Operating Limits Critical Infrastructure Protection costs (“CIP-IROL Costs”) under Schedule 17 of the ISO-NE Tariff.³² The Bear Swamp CIP-IROL Rate Schedule was accepted effective *June 13, 2024*, as requested. The August 2, 2024 order was not challenged and is final and unappealable. If you have any questions concerning this matter, please contact Eric Runge (617-345-4735; ekrunge@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,

²⁹ *Id.* at P 59.

³⁰ For purposes of the motion seeking clarification, “Customers” are CT PURA, MA AG and EMCOS.

³¹ *Ass’n of Buss. Advocating Tariff Equity v. Midcontinent Indep. Sys. Operator, Inc.*, Opinion No. 569, 169 FERC ¶ 61,129 (Nov. 21, 2019) (“*MISO ROE Order*”), *order on reh’g*, Opinion No. 569-A, 171 FERC ¶ 61,154 (May 21, 2020).

³² *Bear Swamp Power Co. LLC*, Docket No. ER24-2260-000 (Aug. 2, 2024) (unpublished letter order).

2024.³³ MOPA asserted that, (i) with respect to the cost of asset condition projects placed into service in 2022, Identified TOs³⁴ 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 Advocates³⁵ (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 due on or before August 26, 2024 and were filed by CMP, Eversource (CL&P, NSTAR East, NSTAR Wes, and PSNH), MEPCO, and National Grid (Narragansett and New England Power). 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 (ER18-1639)**

Mystic I Remand. As previously reported, the DC Circuit issued a decision on August 23, 2022³⁶ that, among other things: (i) granted State Petitioners' petitions for review on the cost allocation issue; (ii) vacated the clawback portions excluding Everett costs and the challenged delay provision of the orders under review; and (iii) remanded the cases to the FERC to address NESCOE's request for clarification about revenue credits and for clarification of the apparent contradictions in the FERC's *December 2020 Rehearing Order*.

(-000) Third CapEx Info Filing. On September 15, 2023, Mystic submitted, as required by orders in this proceeding and Sections I.B.1.i. and II.6. of Schedule 3A of the COS Agreement ("Protocols") its "Third CapEx Info Filing" to provide support for the capital expenditures and related costs that Mystic projects will be collected as an expense between January 1, 2024 to May 31, 2024 ("2024 CapEx Projects"). This filing was not noticed for public comment by the FERC.

³³ 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.

³⁴ "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").

³⁵ For purposes of this proceeding, "Consumer Advocates" are the MA AG, CT OCC, NH OCA and RI Division.

³⁶ *Constellation Mystic Power, LLC v. FERC*, 45 F.4th 1028 (D.C. Cir. 2022) ("*Mystic I Remand Order*").

(-018) Second CapEx Info Filing. On December 5, 2023, the FERC issued an order³⁷ on the formal challenges to Mystic’s September 15, 2022 “Second CapEx Info Filing”.³⁸ As previously reported, formal challenges to the Second CapEx Info Filing were submitted by NESCOE and ENECOS³⁹ (with ENECOS challenges supported separately by MMWEC/NHEC). Several rounds of answers, described in previous reports, followed. In February 2023, Mystic asked that the Formal Challenges to the Second CapEx Info Filing be held in abeyance pending submission of a settlement agreement to resolve challenges to the First CapEx Info Filing. ENECOS protested that request, identifying issues in their challenges to the Second CapEx Info Filing that would not be resolved by a First CapEx Settlement Agreement. The First CapEx Settlement Agreement was filed and approved, leaving for resolution certain of ENECOS’ challenges.

In the *Second CapEx Info Filing Order*, the FERC granted in part, subject to hearing and settlement judge procedures, and dismissed in part, ENECOS’ Formal Challenges. Specifically, the FERC found that, issues of material fact, that could not be resolved on the record before it, continued with respect to a number of ENECOS’ Formal Challenges. Accordingly, the FERC set for hearing and settlement judge procedures issues raised, in whole or in part, in ENECOS Formal Challenges 1, 2, 6, and 7. The FERC summarily dismissed ENECOS’ Formal Challenges 3-5 and 8 (as outside the scope of the proceeding).

(-026) Allegheny Order Addressing ENECOS’ Request for Rehearing of Order on Remand Modification Order. On November 6, 2023, ENECOS requested rehearing of the *Mystic I Order on Remand Modification Order*.⁴⁰ Specifically, ENECOS requested that the FERC both (i) reinstate its conclusions as to the scope of customer scrutiny of formula rate inputs under the COSA set forth in its March 28, 2023 *Mystic I Order on Remand*⁴¹ and (ii) grant Public Systems’ motion for additional disclosure to facilitate customer review of the extraordinary costs incurred during the first 18 months of the COSA’s operation. On December 7, 2023, the FERC issued an “Allegheny Notice”, noting that ENECOS request for rehearing may be deemed to have been denied by operation of law, but noting

³⁷ *Constellation Mystic Power, LLC*, 185 FERC ¶ 61,170 (Dec. 5, 2023) (“*Second CapEx Info Filing Order*”).

³⁸ The “Second CapEx Info Filing” provides support for the capital expenditures and related costs that Mystic projects will be collected as an expense between January 1, 2023 to December 31, 2023 (“2023 CapEx Projects”).

³⁹ ENECOS Formal Challenges included failures by Mystic: (1) to adequately support its July 1, 2004 – Dec. 31, 2017 Rate Base on Attachment B to Mystic 8&9 Schedule D (with the majority of the cost appearing to O&M expenses that should have been expensed prior to the term); (2) to adequately support its Jan. 1, 2018 – May 31, 2022 Rate Base in line with the requirements of Schedule 3A and the Methodology of the Mystic COSA; (3-5) to prove that certain costs under Mystic’s 2022 CapEx Projects - specifically, its Campus Segregation Project and comprehensive rotor inspections - are necessary to meet the reliability need of the Mystic COSA and the least-cost commercially reasonable option consistent with Good Utility Practice; (6) to sufficiently support Everett’s Nov. 1, 2018 – May 31, 2022 Rate Base in Attachment B; (7) to properly classify certain of Everett’s 2022 and 2023 CapEx Projects costs (some of which should have been characterized as maintenance expenses charged before the term of the Mystic COSA); and (8) to include costs of firm interstate and intrastate pipeline transportation reservations in Everett Schedule B of the populated template.

⁴⁰ *Constellation Mystic Power, LLC*, 185 FERC ¶ 61,016 (Oct. 6, 2023) (“*Mystic I Order on Remand Modification Order*”). The *Mystic I Order on Remand Modification Order* set aside the FERC determinations in the *Mystic I Order on Remand* that: (i) interested parties may review and challenge revenues and Revenue Credits during the true-up process; (ii) interested parties may review and challenge Tank Congestion Charges during the true-up process; and (iii) the revenues from the sliding scale revenue sharing mechanism for third-party vapor sales should be included within the true-up. As previously reported, the FERC concluded in the *Mystic I Order on Remand* that “the language of the true-up and Protocol provisions of the [COS] Agreement, Schedule 3A, does not include these three items within the scope of the true-up, nor is calculation of these items consistent with purpose for the true-up mechanism in the [COS] Agreement because none of them are projected in advance, but rather they are each settled and audited on a monthly basis. The FERC found that “existing cost review and audit processes, ... facilitated by ISO-NE, its auditors, and the Internal Market Monitor, are sufficient to ensure that Mystic adheres to its filed rate with respect to these items and continues to appropriately balance customers’ interest in transparency of the formula rate with Mystic’s interests in protecting commercially-sensitive information, reducing security risks, and avoiding burdensome audit obligations”.

⁴¹ *Constellation Mystic Power, LLC*, 182 FERC ¶ 61,200 (Mar. 28, 2023) (“*Mystic I Order on Remand*”), *reh’g denied by operation of law*, 183 FERC ¶ 62,115 (May 30, 2023) (“*Mystic I Order on Remand Allegheny Notice*”); *Mystic I Order on Remand Modification Order* (addressing arguments raised on *reh’g* and setting aside the *Mystic I Order on Remand*, in part, granting Constellation motion to lodge and denying Public Systems’ Request for Disclosure of Audit Information).

that ENECOS' request will be addressed in a future order.⁴² On February 15, 2024, the FERC issued that order, modifying the discussion in the *Mystic I Order on Remand Modification Order* but reaching the same result.⁴³ On February 29, 2024, ENECOS amended their petition for review before the DC Circuit (Case No. 24-1018) to include the *Mystic I Order on Remand Modification Order Allegheny Order* (see Section XVI below),

Recall that, as previously reported with respect to this aspect of the Mystic proceeding, Mystic requested rehearing and/or clarification of the March 28, 2023 *Mystic I Order on Remand* (-024). Mystic asserted that (a) the FERC should have considered and rejected NESCOE's arguments about "truing up" and challenging the Revenue Credit; (b) the Tank Congestion Charge and the calculation of the Forward Sales Margin credited to Mystic and its ratepayers should not be included in the true-up process; and (c) if the FERC does not grant rehearing on (a) or (b), in the alternative, it should clarify that the scope of review during the true-up for Revenue Credits and the Forward Sale Margin Shared with Mystic is not a prudence review and does not require disclosure of granular, unmasked transaction data. On May 30, 2023, the FERC issued a "Notice of Denial of Rehearings by Operation of Law and Providing for Further Consideration".⁴⁴ The FERC then issued the *Mystic I Order on Remand Modification Order* which modified the discussion in the *Mystic I Order on Remand* and set aside that *Order* in part.⁴⁵ In addition, the *Order* also denied Public Systems⁴⁶ May 19, 2023 request that the FERC direct ISO-NE to release additional information concerning ISO-NE's audit of performance under Mystic COSA ("Audit Information Request").⁴⁷

(-027) Second CapEx Info Filing Settlement Proceedings. While the FERC set several aspects of ENECOS Formal Challenges for a trial-type evidentiary hearing, the FERC encouraged the parties to make every effort to settle their disputes before hearing procedures are commenced, and to that end, is holding the hearing in abeyance pending the completion of settlement judge procedures. As directed, the Chief ALJ appointed a settlement judge, Judge Patricia M. French, to assist participants in settling the issues in this proceeding, and deemed the settlement proceedings continued without further action. Judge French has since convened seven settlement conferences.⁴⁸ Judge French submitted her 4th status report on August 7, 2024, recommending that the settlement process continue. A seventh Settlement Conference was held on August 29, 2024. The settlement process continues.

(-028) Second CapEx Info Filing Order - Mystic's Request for Rehearing Deemed Denied by Operation of Law. On January 4, 2024, Mystic requested clarification, and in the alternative rehearing, of the *Second CapEx Info Filing Order*.⁴⁹ Specifically, Mystic requested clarification and/or rehearing of (i) the FERC's ruling on ENECOS's Formal Challenge No. 7 related to Everett's projected 2023 capital expenditures, (ii) that the FERC denied the accounting argument that ENECOS included in their Formal Challenge No. 1; and (iii) the FERC's rulings related to

⁴² *Constellation Mystic Power, LLC*, 185 FERC ¶ 62,120 (Dec. 7, 2023) ("*Mystic I Order on Remand Modification Order Allegheny Notice*").

⁴³ *Constellation Mystic Power, LLC*, 186 FERC ¶ 61,103 (Feb. 15, 2024) ("*Mystic I Order on Remand Modification Order Allegheny Order*").

⁴⁴ *Mystic I Order on Remand Allegheny Notice*.

⁴⁵ *Constellation Mystic Power, LLC*, 185 FERC ¶ 61,016 (Oct. 6, 2023) ("*Mystic I Order on Remand Modification Order*").

⁴⁶ "Public Systems" for these purposes are: MMWEC, CMEEC, NHEC, VPPSA, the Eastern New England Consumer-Owned Systems ("ENECOS"), and Energy New England, LLC ("ENE").

⁴⁷ In the *Mystic I Order on Remand Modification Order*, the FERC found that the additional audit information requested was "not supported by the Mystic [COSA] and unnecessary, given the attention that ISO-NE, its auditors, and the Market Monitor give these items on a regular basis". Nevertheless, the FERC accepted "ISO-NE's offer to provide additional transparency measures for the remainder of the Mystic Agreement as soon as practicable, starting no later than [Dec. 5, 2023]." (P 13).

⁴⁸ The first settlement conference was convened on Jan. 4, 2024; the second, Mar. 20, 2024; the third, Apr. 19, 2024; the fourth, May 17, 2024; the fifth, June 14, 2024; the sixth, June 18, 2024; and the most recent and seventh settlement conference, Aug. 29, 2024.

⁴⁹ *Constellation Mystic Power, LLC*, 185 FERC ¶ 61,170 (Dec. 5, 2023) ("*Second CapEx Info Filing Order*").

capital costs incurred prior to the start of the term of the COS Agreement (its grant in part of ENECOS's Formal Challenge No. 1 on the basis that Mystic did not adequately "support" Mystic 8&9 capital costs between July 2004 and December 31, 2017 ("Pre-2018 Rate Base"), and its grant of ENECOS's Formal Challenges Nos. 2 and 6). On January 19, 2024, ENECOS answered Mystic's request. On February 5, 2024, the FERC issued an "Allegheny Notice",⁵⁰ noting that ENECOS request for rehearing may be deemed to have been denied by operation of law, but noting that ENECOS' request will be addressed in a future order.⁵¹ On April 3, 2024, Mystic appealed to the DC Circuit the *Second CapEx Info Filing Order Allegheny Notice* (Case No. 24-1077) (See Section XVI below).

Second CapEx Info Filing Order Allegheny Order. On May 23, 2024, the FERC issued an order (i) modifying the discussion in the *Second CapEx Info Filing Order*; (ii) granting in part and denying in part, the clarifications requested by Mystic (granting Mystic's requested clarification of Formal Challenge Issue 7; denying Mystic's requested clarification regarding Formal Challenge Issue 1; confirming that Formal Challenge Issues 1, 2 and 6 were appropriately set for hearing and settlement judge procedures); and setting aside that order, in part (setting aside, in part, the determination regarding Challenge Issue 7)); and (iii) dismissing Mystic's alternative request for reh'g.⁵² As noted immediately above, this matter has been appealed to, and is pending before, the DC Circuit.

(-014) Revised ROE (Sixth) Compliance Filing. Still pending is Mystic's December 20, 2021 filing in response to the requirements of the *Mystic ROE Allegheny Order*.⁵³ 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. Comments on the sixth compliance filing were due on or before January 10, 2022; none were filed. The Sixth Compliance Filing remains pending before the FERC.

30-Day Compliance Filing per Order on ENECOS Mystic COSA Complaint (ER23-1735). On April 27, 2023, Mystic filed, as directed by the FERC's March 28, 2023 *Order on ENECOS Mystic COSA Complaint*,⁵⁴ changes to the Mystic COSA to include pipeline-related crediting as an explicit provision in the COSA. Mystic also provided additional information/COSA changes to (i) describe the crediting process; (ii) differentiate, through both an explanation in its compliance filing and creation of two new line items in Schedule 3A, the credits and charges included as part of the Fixed Pipeline Costs; (iii) address how and whether the pipeline-related crediting procedure interacts or should interact with the true-up procedure already included in the COSA and revise the true-up as necessary; and (iv) differentiate in the COSA the Pipeline Transportation Costs as Fixed O&M/Return on Investment Costs from the Pipeline Transportation Agreement Costs. Comments on the 30-day compliance filing were due on or before May 18, 2023. ISO-NE and Monitoring Analytics, LLC filed doc-less motions to intervene.

⁵⁰ The FERC issues an "Allegheny Notice" when it does not act within 30 days after receiving a challenge (a request for clarification and/or rehearing) to a FERC order. An Allegheny Notice confirms that the request is deemed denied by operation of law (see *Allegheny Def. Project v. FERC*, 964 F.3d 1, 2020 WL 3525547 (D.C. Cir. June 30, 2020)) and the FERC order is final and ripe for appeal. The FERC has the right, up to the point when the record in a proceeding is filed with the court of appeals, to modify or set aside, in whole or in part, any finding or order made or issued by it. The FERC's intention to avail itself of its right and to issue a further order addressing the issues raised in the request (a "merits order" or an "Allegheny Order") is signaled by the phrase "and providing for Further Consideration"; the absence of that phrase signals that the FERC does not intend to issue a merits order in response to the rehearing request.

⁵¹ *Constellation Mystic Power, LLC*, 186 FERC ¶ 62,048 (Feb. 5, 2024) ("*Second CapEx Info Filing Order Allegheny Notice*").

⁵² *Constellation Mystic Power, LLC*, 187 FERC ¶ 61,099 (May 23, 2024) ("*Second CapEx Info Filing Order Allegheny Order*").

⁵³ 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.

⁵⁴ *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).

On July 10, 2023, ENECOS submitted comments (out-of-time) asserting that Mystic’s compliance filing did not provide information sufficient to show that Mystic’s after-the-fact pipeline-related crediting ensures that Mystic customers do not pay for pipeline costs that do not benefit them (“Crediting Issue”), the Schedule 3A true-up process does not provide the opportunity for an adequate verification process, and ISO-NE’s COSA-related filings to date have similarly not addressed the Crediting Issue. ENECOS requested that the FERC direct Mystic to provide a work paper to “verify its assertion that it has always applied a full credit for third-party pipeline transportation costs to Constellation LNG’s billings to Mystic”. On July 20, 2023, Mystic protested ENECOS’ comments. This 30-day compliance filing remains pending before the FERC.

Mystic COSA Protocols Waiver Request (ER24-2528). As previously reported, Mystic requested on July 12, 2024 waiver of the deadlines in Sections II.6.A and II.4.F of the COSA Protocols so that the deadline to make the 2024 Informational Filing (and subsequent related deadlines, including billings and re-billings) can be delayed to allow Mystic and active intervenors in ER18-1639-027, who have agreed to a settlement in principle in that proceeding, to determine whether a settlement can be reached that may impact or obviate the need for the filing or challenges that might be filed subsequent thereto. Comments on Mystic’s waiver request were due on or before August 2, 2024; none were filed. On August 12, 2024, the FERC granted the requested waiver.⁵⁵

Mystic COSA ROE Settlement Agreement (ER24-2804). On August 14, 2024, Mystic filed an unopposed Settlement Agreement to establish a settled ROE of 9.0%⁵⁶ for the Mystic COSA (“Mystic ROE Settlement Agreement”) that would, if approved, moot all of the ROE appeals currently pending before the DC Circuit related to that ROE.⁵⁷ Mystic requested a November 1, 2024 effective date for the Settlement Agreement. Comments on the Settlement Agreement were due on or before September 4, 2024. The Mystic ROE Settlement Agreement is pending before the FERC.

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; mczepiel@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 Filing⁵⁸ 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

⁵⁵ *Constellation Mystic Power, LLC*, 188 FERC ¶ 61,121 (Aug. 12, 2024) (“Mystic Protocols Waiver Order”).

⁵⁶ 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”)).

⁵⁷ 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.*)

⁵⁸ 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.

how such O&M charges are not being double recovered in transmission rates, and (b) determine that an entity 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

- **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 revisions⁵⁹ to allow it to accept, after August 30, 2024, the SIS results for its facility⁶⁰ 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.⁶¹ Comments on GDQ ESS' waiver request must be filed on or before **September 19, 2024**. If you have any questions concerning this matter, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **DASI Conforming Tariff Changes (ER24-2883)**

On July 24, 2024, ISO-NE and NEPOOL jointly filed Tariff changes necessary to fully implement the Day-Ahead Ancillary Services Initiative ("DASI") in the spring of 2025 ("DASI Conforming Changes"). Specifically, the DASI Conforming Changes: (i) revise the Day-Ahead Net Commitment Period Compensation ("NCPC") framework to incorporate the new DASI costs and revenues introduced by the DASI Rules; (ii) revise certain "special case" NCPC rules to include the Forecast Energy Requirement ("FER") Price, which was also introduced by the DASI Rules and incorporated into Day-Ahead Prices; (iii) update the Day-Ahead excess energy condition rules to account for the new co-optimized Day-Ahead Market created as part of DASI; (iv) incorporate average avoided peak distribution losses into Day-Ahead Ancillary Services obligations for Demand Response Resources; and (v) propose a methodology to capture and allocate administrative costs related to DASI in Section IV.A of the Tariff. In addition to the DASI Conforming Changes, the filing also proposes Tariff clarifications related to Day-Ahead Self-Scheduled External Transactions ("Self-Scheduled External Transactions Changes"). Two effective dates were requested -- October 27, 2024 for the Self-Scheduled External Transactions Changes and March 1, 2025 for the DASI Conforming Changes. The Participants Committee supported the DASI Conforming Changes, including the Self-Scheduled External Transactions Changes, by way of the Summer Meeting Consent Agenda (Consent Agenda Items 1-3). Comments on the Tariff Changes are due on or before **September 17, 2024**. Thus far, Calpine and Public Citizen have intervened doc-lessly. If you have any questions concerning this matter, please contact Rosendo Garza (860-275-0660; rgarza@daypitney.com).

⁵⁹ 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").

⁶⁰ 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.

⁶¹ 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.

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

On August 27, 2024, ISO-NE and NEPOOL jointly filed changes to allow Market Participants to submit up to two different MW-dependent fuel prices in their cost-based Reference Levels (“Fuel Price Adjustments”). In addition, ISO-NE provided its explanation for why the current market power mitigation provisions addressing the duration of mitigation are just and reasonable and not unduly discriminatory or preferential. Comments on this filing were due on or before August 14, 2024. The ISO-NE IMM, NEPGA and Vistra filed comments generally supporting the Fuel Price Adjustments. Calpine, National Grid, MA DPU, EPSA, and Public Citizen filed doc-less interventions. This matter is pending before the FERC. If you have any questions concerning this matter, please contact Rosendo Garza (860-275-0660; rgarza@daypitney.com).

- **eTariff § 1.2 Corrections (ER24-2270)**

On August 5, 2024, the FERC accepted corrections to ISO-NE’s eTariff to remove from Section 1.2.2 changes (from the DASI (ER24-275) and SATOA (ER23-739) filings) that were inadvertently included in the FRM Offer Cap eTariff changes that became effective on April 15, 2024.⁶² Other than to pull out the yet-to-effective changes from the effective eTariff text, no other changes were made to the definitions. The corrections were accepted *April 15, 2024*, as requested. Unless the August 5 order is challenged, this proceeding will be concluded. If you have any questions concerning this matter, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **Waiver Request: Withdrawal from IEP and Return of IEP Net Revenues Received (Canal Marketing/ Canal 3) (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”)⁶³ 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.⁶⁴ 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 insofar as CM requests the prompt repayment of the revenues received on behalf of Canal 3 under the 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.⁶⁵ On August 21, 2024, the Chief ALJ designated ALJ Patricia E. Hurt as the

⁶² *ISO New England Inc.*, Docket No. ER24-2270-000 (Aug. 5, 2024) (unpublished letter order).

⁶³ 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.

⁶⁴ 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.

⁶⁵ *Canal Marketing LLC*, 188 FERC ¶ 61,122 (Aug. 12, 2024).

settlement judge in this proceeding. Judge Hurt scheduled a first formal settlement conference for **September 23, 2024**. If you have any questions concerning this matter, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

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

In a lengthy compliance Order⁶⁶ issued March 1, 2023, the FERC approved in part, and rejected in part, the *Order 2222* compliance filing⁶⁷ ("*Order 2222 Compliance Order*") filed jointly by ISO-NE, NEPOOL and the PTO AC ("*Filing Parties*").⁶⁸ 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*. As previously reported, the FERC accepted the 30-, 60- and 180-day compliance filings.⁶⁹ In the order conditionally accepting the 60-day compliance filing,⁷⁰ 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.⁷¹ The FERC also granted in part ISO-NE's request for an extension of time to address directives

⁶⁶ 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."

⁶⁷ 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.

⁶⁸ *ISO New England Inc. and New England Power Pool Participants Comm.*, 182 FERC ¶ 61,137 (Mar. 1, 2023) ("*First Order 2222 Compliance Order*").

⁶⁹ *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).

⁷⁰ *ISO New England Inc.*, 185 FERC ¶ 61,095 (Nov. 2, 2023) ("*Order 2222 60-Day Compliance Filing Order*").

⁷¹ 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, and explain how such protocols minimize costs and other burdens and address concerns raised with respect to privacy and cybersecurity. *Id.* at P 34.

in the *First Order 2222 Compliance Order*.⁷² On December 4, 2023, AEU requested rehearing of the *Order 2222 60-Day Compliance Filing Order*, which was deemed to have been denied by operation of law.⁷³

(-006) Order 2222 60-Day Compliance Filing Order Allegheny Order. On May 23, 2024, in response to AEU's December 4, 2023 request for rehearing of the *Order 2222 60-Day Compliance Filing Order*, the FERC issued an *Allegheny order*,⁷⁴ sustaining three of the four findings challenged by AEU. However, the FERC set aside, in part, its 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").⁷⁵ The FERC found that, under its rule of reason,⁷⁶ 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").⁷⁷ Accordingly, the FERC directed ISO-NE to file, on or before **July 22, 2024**, a further compliance filing to revise ISO-NE's Tariff to specify its submetering requirements for DER Aggregations' participation as submetered ATRRs.

(-007) Further Compliance Changes. On April 11, 2024, the FERC conditionally accepted ISO-NE's January 31 Further Compliance Filing, subject to a further 60-day compliance filing.⁷⁸ In the *Further Order 2222 Compliance Filing Order*, the FERC found that ISO-NE complied with *Order 2222 60-Day Compliance Filing Order's* directive to (i) designate the DER Aggregator as the entity responsible for providing any required metering information to ISO-NE; (ii) require that each DER Aggregator maintain and submit aggregate settlement data for DERAs; and (iii) establish protocols for sharing metering data. However, the FERC disagreed with ISO-NE's assertion that meter data submission responsibilities and deadlines at issue are technical and timing details to implement the Tariff's settlement requirements, and, therefore, properly included in ISO-NE's manuals rather than its Tariff. Rather, the FERC found that "the meter data submission deadline is a key component of metering practices for DER Aggregators that should be included in the basic description of metering practices in the Tariff".⁷⁹

⁷² The FERC ordered ISO-NE in its 60-day compliance filing to revise the Tariff to: (1) have RERRA make the determination of whether to allow customers of small utilities to participate in ISO-NE's markets through aggregation; (2) require that each DER Aggregator maintain and submit aggregate settlement data for the DERA; (3) designate the DER Aggregator as the entity responsible for providing any required metering information to ISO-NE, and if necessary, establish protocols for sharing meter data that minimize costs and other burdens and address concerns raised with respect to privacy and cybersecurity; (4) designate the DER Aggregator as the entity responsible for providing any required metering information to ISO-NE; and (5) add specificity regarding existing resource non-performance penalties that would apply to a DERA when a Host Utility overrides ISO-NE dispatch instructions. ISO-NE was also directed to: (1) identify the existing rules requiring a Market Participant that provides energy withdrawal service to be a load serving entity that is billed for energy withdrawal ("LSE Requirement") and explain whether the LSE Requirement is required of all resources seeking to provide wholesale energy withdrawal service in the energy market; (2) explain why its proposed metering and telemetry requirements were just and reasonable and did not pose an unnecessary and undue barrier to individual DERs joining a DERA; (3) establish protocols for sharing metering data that minimize costs and other burdens and address privacy and cybersecurity concerns; and (4) address how ISO-NE will resolve disputes that are within its authority and subject to its Tariff, regardless of whether there is an available dispute resolution process established by the RERRA.

⁷³ *ISO New England Inc.*, 186 FERC ¶ 62,002 (Jan. 4, 2023) ("*Order 2222 60-Day Compliance Filing Order Allegheny Notice*").

⁷⁴ *ISO New England Inc.*, 187 FERC ¶ 61,100 (May 23, 2024) ("*Order 2222 60-Day Compliance Filing Order Allegheny Order*").

⁷⁵ *See id.* P 78 ("we find that ISO-NE partially complies with the requirement to revise its Tariff to establish market rules that address metering requirements necessary for DERAs").

⁷⁶ "[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.

⁷⁷ *Order 2222 60-Day Compliance Filing Order Allegheny Order* at P 6.

⁷⁸ *ISO New England Inc.*, 187 FERC ¶ 61,017 (Apr. 11, 2024) ("*Further Order 2222 Compliance Filing Order*").

⁷⁹ *Id.* at P 13.

Accordingly, the FERC directed ISO-NE, on or before June 10, 2024, “to submit ... Tariff revisions that include the meter data submission deadline in its Tariff.”⁸⁰

(-008) Metering Data Submission Revisions. The Metering Data Submission Revisions required by the April 11, 2024 *Further Order 2222 Compliance Filing Order* were recommended for Participants Committee support by the Markets Committee at its May 7-8, 2024 meeting and, because of the compliance deadline, filed by ISO-NE on June 10, 2024. The changes were supported by the Participants Committee at the June 25-26 Summer Meeting (Consent Agenda Item No. 6). Comments on ISO-NE’s June 10 compliance filing were due on or before July 1, 2024; NEPOOL filed comments supporting the Revisions. The June 10 compliance filing is remains pending before the FERC.

(-009) ATTR Submetering Tariff Revisions. The ATTR Submetering Revisions required by the *Order 2222 60-Day Compliance Filing Order Allegheny Order*⁸¹ were recommended for Participants Committee support by the Markets Committee at its July 9-10, 2024 Summer Meeting and, because of the compliance deadline, filed by ISO-NE on July 22, 2024. The Participants Committee supported the ATTR Submetering Revisions at its August 1, 2024 meeting (Consent Agenda Item No. 1). Comments on ISO-NE’s July 22 compliance filing were due on or before August 12, 2024. NEPOOL filed comments reporting on the Participants Committee’s August 1 action and supporting the revisions. No other comments or interventions were filed. The July 22 compliance filing is pending before the FERC.

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

- **FG&E Attachment F App. D Depreciation Rate Changes (ER24-2766)**

On August 13, 2024, Fitchburg Gas & Electric Company (“FG&E”) and ISO-NE filed changes to FG&E Appendix D to Attachment F of the ISO-NE OATT to reflect updated depreciation rates in FG&E’s Regional and Local Service formula rate calculations, as recommended in a depreciation study based on 2022 data and approved by the MPUC as part of FG&E’s retail rate filing. The proposed updates to depreciation rates submitted will result in an estimated annual decrease of \$28,067 to depreciation expense. FG&E said that the revised depreciation rates will have a *de minimus* effect on the transmission rates of Regional and Local Service customers. Comments on this filing were due on or before September 3, 2024; none were filed. 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).

- **Order 2023 Compliance Changes (ER24-2009)**

On May 14, 2024 (as corrected May 31, 2024), ISO-NE, NEPOOL and the PTO AC filed proposed Tariff revisions in response to the requirements of *Orders 2023* and *2023-A* (“*Order 2023 Revisions*”). The *Order 2023 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 cluster process to address cases where cluster enabling transmission is required, integration of the interconnection process with FCM

⁸⁰ *Id.*

⁸¹ See *Order 2222 60-Day Compliance Filing Order Allegheny Order (-006) infra*.

participation, and a unified treatment of all ISO interconnection requests, including those for small generators and Elective Transmission Upgrades (“ETU”) (such revisions were filed in a separate concurrent filing (ER24-2007)). Concurrently, the Filing Parties proposed changes to aspects of the Tariff impacted by the *Order 2023* Revisions, but that may be considered to be beyond the scope of the compliance obligations (*see* ER24-2007 immediately below). The filing parties requested an effective date of August 12, 2024 for the *Order 2023* Revisions. Comments on this filing were due on or before June 4, 2024, and were filed by [BlueWave](#), [Glenvale](#), [New Leaf](#), [RENEW](#), [Clean Energy Associations](#),⁸² 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. 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).

- **Order 2023 Related Changes (ER24-2007)**

Also on May 14, 2024, ISO-NE, NEPOOL and the PTO AC (“Filing Parties”) filed proposed Tariff revisions to harmonize the SGIP, ETU Interconnection Procedures (“ETUIP”), and Regional Transmission Service rules with the contemporaneously-filed *Order 2023* Revisions (“*Order 2023* Related Changes”). The *Order 2023* Related Changes, which propose changes to aspects of the Tariff impacted by the *Order 2023* 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. The Filing Parties requested, contingently, that the *Order 2023 Related Changes* become effective on the same date as the *Order 2023 Revisions* (i.e. August 12, 2024) and that the FERC issue an order for the *Order 2023 Related Changes* concurrently with its order on the *Order 2023 Revisions*. Comments on the *Order 2023* Related Changes were due on or before June 4, 2024, and were filed by [Glenvale](#), [Longroad](#), [New Leaf Energy](#), [RENEW](#) and [Clean Energy Associations](#). [BlueWave](#), [Calpine](#), [Clearway](#) (out-of-time), [National Grid](#), [NESCOE](#), [RIE](#), [Shell Energy/Savion](#), [Cordelio Services](#), and the [MA DPU](#) 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 June 20 Answer](#). On July 19, [ISO-NE](#) answered [Glenvale’s](#) and [Longroad Energy’s](#) further answers. 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. 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).

- **LTTP Phase 2 Tariff Changes (ER24-1978)**

On July 8, 2024, the FERC accepted proposed revisions to Section 16 of Attachment K of the OATT to establish, as part of the optional, longer-term transmission planning process, the mechanisms that enable the New England states to develop policy-based transmission facilities in connection with Longer-Term Transmission Studies (“LTTS”), and the associated cost allocation methods for these upgrades (the “LTTP

⁸² “Clean Energy Associations” are, collectively, Advanced Energy United (“AEU”), the American Clean Power Association (“ACPA”), Natural Resources Defense Council (“NRDC”), and the Solar Energy Industries Association (“SEIA”).

Phase 2 Changes”).⁸³ As previously reported, the LTTP Phase 2 Changes incorporate the following processes: (i) a comprehensive core process (which allows the New England states to advance the development of transmission when at least one Longer-Term Proposal submitted in response to a request for proposal meets the identified needs and has financial benefits that exceed the project’s costs as calculated over the first 20 years of the project’s life has a benefit-to-cost ratio (“BCR”) that is greater than one) and (ii) an add-on supplemental process (which enables the New England states to agree to move forward with a transmission project where none of the proposals that meet the identified needs satisfy the greater-than-one BCR requirement). The FERC addressed, but ultimately found misplaced, arguments made regarding the right of first refusal, and found that even if aspects of the LTTP Phase 2 Changes “make it more difficult for nonincumbent transmission developers to submit comprehensive proposals than it would be for incumbent transmission owners, such potential difficulty does not render the proposed LTTP Phase 2 Changes unjust and unreasonable or unduly discriminatory or preferential.”⁸⁴ The LTTP Phase 2 Changes were accepted effective July 9, 2024, as requested. The *LTTP Phase 2 Changes Order* was not challenged as is final and unappealable.

In addition, the FERC accepted ISO-NE’s proposal to correct Tariff Section I.1.2, to remove the revisions to the definition of the term “Regulation Resources” and the addition of the terms “Storage as Transmission-Only Asset (SATO)” and “Real-Time SATOA Obligation” that are not yet intended to be in effect and were included with the LTTP Phase 2 Changes in error. Those corrections were submitted on July 27, 2024. Comments on the compliance filing were due on or before August 16, 2024; none were filed. The compliance filing is pending before the FERC. Subject to action on the July 27 compliance filing, this proceeding will be concluded. If you have any questions concerning this proceeding, please contact Eric Runge (617- 345-4735; ekrunge@daypitney.com).

V. Financial Assurance/Billing Policy Amendments

No Activities to Report

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

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

As previously reported, the FERC accepted for filing a Local Service Agreement (“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.⁸⁵ 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).

⁸³ *ISO New England Inc. and New England Power Pool*, 188 FERC ¶ 61,010 (July 8, 2024) (“*LTTP Phase 2 Changes Order*”).

⁸⁴ *Id.* at P 40.

⁸⁵ *ISO New England Inc.*, Docket No. ER24-24-000 (Nov. 30, 2023) (unpublished letter order).

- **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”).⁸⁶ 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 grant waiver of its notice requirement⁸⁷ 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.⁸⁸ 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”).⁸⁹ 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.⁹⁰ On August 29, 2023, Versant Power 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).

⁸⁶ The LSA was designated as Service Agreement No. TSA-NEP-114 under the ISO-NE OATT.

⁸⁷ 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.

⁸⁸ *ISO New England Inc.*, Docket No. ER23-2804-000 (Nov. 7, 2023) (unpublished letter order).

⁸⁹ *ISO New England Inc.*, Docket No. ER23-2035-000 (July 28, 2023) (“*Versant Black Bear LSAs Order*”).

⁹⁰ 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.

- **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).

VII. NEPOOL Agreement/Participants Agreement Amendments

- **135th Agreement; PA13 (Unused Provisional Member Voting Share Allocation Changes) (ER24-2636)**

On July 31, 2024, NEPOOL and ISO-NE jointly filed the 135th Agreement Amending New England Power Pool Agreement (“135th Agreement”) and Amendment No. 13 to the PA (together, the “Unused Provisional Member Voting Share Allocation Changes” or “Changes”). The Changes modify the allocation of any unused Provisional Member Group Seat voting share to all six Sectors. As previously reported, the Changes were approved unanimously by the Participants Committee pursuant to balloting under Section 6.10 of the NEPOOL Agreement and Section 17.2.3 of the Participants Agreement in which the Minimum Response Requirement was satisfied. An August 1, 2024 effective date was requested. Comments on the Changes were due on or before August 21, 2024; none were filed]. Calpine and National Grid intervened doc-lessly. This matter is pending before the FERC. If you have any questions concerning the Changes, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

VIII. Regional Reports⁹¹

- **Capital Projects Report – 2024/Q2 (ER24-2769)**

On August 9, 2024, ISO-NE filed its Capital Projects Report and Unamortized Cost Schedule covering the second quarter (“Q2”) of calendar year 2024 (the “Report”). Report highlights include:

- One new project -- Automatic Ring Down Circuit Continuity Modernization and Reliability Enhancements (\$897,200).
- 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 August 30, 2024. NEPOOL filed comments supporting the Report. National Grid intervened doc-lessly. This matter is pending before the FERC. If you have any questions concerning this matter, please contact Rosendo Garza (860-275-0660; rgarza@daypitney.com).

⁹¹ 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.

- **Interconnection Study Metrics Processing Time Exceedance Report 2024 Q2 (ER19-1951)**

On August 14, 2024, ISO-NE filed, as required,⁹² public and confidential⁹³ versions of its Interconnection Study Metrics Processing Time Exceedance Report (the “Exceedance Report”) for the Second Quarter of 2024 (“2024 Q2”). ISO-NE reported that with respect to:

- ◆ **Interconnection Feasibility Study (“IFS”) Reports**

- One IFS Report was delivered to an Interconnection Customer in 2024 Q2 and was delivered later than the best efforts completion timeline of 90 days.
- 32 IFSs that are not yet completed have already exceeded the 90-day completion expectation.
- The average time from ISO-NE’s receipt of the executed IFS Agreement to delivery of the completed IFS Report to the Interconnection Customer was 307 days (which is approximately 134 days longer than the previous quarter).

- ◆ **System Impact Study (“SIS”) Reports**

- 4 SIS Reports were delivered to Interconnection Customers in 2024 Q2. 3 of those 4 SIS Reports were delivered later than the best efforts completion timeline of 270 days.
- 31 SISs that are not yet completed have already exceeded the 270-day completion expectation.
- The average time from ISO-NE’s receipt of the executed SIS Agreement to delivery of the completed SIS report to the Interconnection Customer was 416 days (a decrease of approximately 120 days from 2024 Q1’s average).

- ◆ **Facility Study Reports**

- No Facility Study Reports were delivered to Interconnection Customers in 2024 Q2.
- 3 Facility Studies in process have exceeded the 90-day completion expectations for a 20% level of cost estimate.

Section 4 of the Exceedance Report identified steps ISO-NE has identified to remedy issues and prevent future delays, including mitigating the impact of backlogs and initiating clustering, moving to earlier in the process certain Interconnection Customer data reviews, and enhanced information sharing and coordination efforts with Interconnecting TOs. The Exceedance Report was not noticed for public comment.

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

On July 22, 2024, the IMM filed with the FERC its Spring 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. The Spring 2024 Report will be reviewed with the Markets Committee at the Markets Committee’s September 10, 2024 meeting. These filings are not noticed for public comment by the FERC.

⁹² Under section 3.5.4 of ISO-NE’s 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.

⁹³ 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.

- **ISO-NE FERC Form 3Q (2024/Q2) (not docketed)**

On August 23, 2024, ISO-NE submitted its 2024/Q2 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. Form 3-Q filings are not noticed for public comment.

IX. Membership Filings

- **September 2024 Membership Filing (ER24-2925)**

On July 30, 2024, NEPOOL requested that the FERC accept: (i) the following Applicant's membership in NEPOOL as of August 1, 2024: Elyctra LLC (Supplier Sector) and Halia Energy LLC (Supplier Sector); and (ii) the termination of the Participant status of the Town on Hanover, New Hampshire. Comments on this filing are due on or before **September 20, 2024**.

- **August 2024 Membership Filing (ER24-2623)**

On July 30, 2024, NEPOOL requested that the FERC accept: (i) the following Applicant's membership in NEPOOL as of August 1, 2024: Twig Redwood Inc.; and (ii) the termination of the Participant status of MFT Energy US 1 LLC. Comments on this filing were due on or before August 20, 2024; none were filed. This matter is pending before the FERC.

- **July 2024 Membership Filing (ER24-2430)**

On August 22, 2024, the FERC accepted (i) the Data-Only Participant memberships Aurora Energy Research LLC and Enverus, Inc.; and (ii) the termination of the Participant status of KCE CT 10, LLC.⁹⁴ Unless the August 22, 2024 order is challenged, this proceeding will be concluded.

X. Misc. - ERO Rules, Filings; Reliability Standards⁹⁵

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: EOP-012-2 (RD24-5)**

On June 27, 2024, the FERC approved Reliability Standard EOP-012-2 (Extreme Cold Weather Preparedness and Operations) ("Freeze Protection Standards"),⁹⁶ subject to further modification.⁹⁷ As previously reported, EOP-012-2 clarifies the applicability of standard's requirements for generator cold weather

⁹⁴ *New England Power Pool Participants Comm.*, Docket No. ER24-2430-000 (Aug. 22, 2024) (unpublished letter order).

⁹⁵ 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.*).

⁹⁶ *N. Am. Elec. Rel. Corp.*, 187 FERC ¶ 61,204 (June 27, 2024).

⁹⁷ On or before Mar. 25, 2025, NERC was directed to develop and submit modifications to EOP-012-2: (1) to address concerns related to the ambiguity of the newly defined term Generator Cold Weather Constraint to ensure that the Generator Cold Weather Constraint declaration criteria included within EOP-012-2 are objective and sufficiently detailed so that applicable entities understand what is required of them and to remove all references to "reasonable cost," "unreasonable cost," "cost," and "good business practices" and replace them with objective, unambiguous, and auditable terms; (2) to require NERC to receive, review, evaluate, and confirm the validity of each Generator Cold Weather Constraint invoked by a generator owner, in a timely fashion, to ensure that such declaration cannot be used to avoid mandatory compliance with EOP-012-2 or obligations in a corrective action plan; (3) to shorten and clarify the corrective action plan implementation timelines and deadlines in Requirement R7; (4) to ensure that any extension of a corrective action plan implementation deadline beyond the maximum implementation timeframe required by EOP-012-2 is pre-approved by NERC and to ensure that the generator owner informs relevant registered entities of operating limitations in extreme cold weather during the period of the extension; and (5) to implement more frequent reviews of Generator Cold Weather Constraint declarations to verify that the constraint declaration remains valid.

preparedness, further defining the circumstances under which a Generator Owner may declare that constraints preclude them from implementing one or more corrective actions to address freezing issues. EOP-012-2 also reflects additional improvements that would address the recommendations of the FERC, NERC, and Regional Entity Staff Joint Inquiry into the causes of the February 2021 cold weather event affecting Texas and the south-central United States. EOP-012-2 will become effective on *October 1, 2024*.⁹⁸

- **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,⁹⁹ as well as 18 new or revised definitions for inclusion in NERC’s Glossary,¹⁰⁰ 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 notice a proposed rulemaking proceeding or otherwise invited public comment.

- **2025 NERC/NPCC Business Plans and Budgets (RR24-5)**

On August 23, 2024, NERC submitted its proposed Business Plan and Budget, as well as the Business Plans and Budgets for the Regional Entities, including NPCC, for 2025. FERC regulations¹⁰¹ require NERC to file its proposed annual budget for statutory and non-statutory activities 130 days before the beginning of its fiscal year (January 1), as well as the annual budget of each Regional Entity for their statutory and non-statutory activities, including complete business plans, organization charts, and explanations of the proposed collection of all dues, fees and charges and the proposed expenditure of funds collected. NERC reports that its proposed 2025 funding requirement represents an overall increase of approximately 8.2% over NERC’s 2024 funding requirement. The NPCC U.S. allocation of NERC’s net funding requirement is \$13.12 million. NPCC has requested \$25.69 million in statutory funding (a U.S. assessment per kWh (2023 NEL) of \$0.000023) and \$1.22 million for non-statutory functions. Comments on this filing are due on or before **September 13, 2024**.

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

On May 30, 2024, NERC filed its annual comparisons of actual to budgeted costs for 2023 for NERC and the six Regional Entities operating in 2023,¹⁰² including NPCC. The Report includes 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. Comments on this filing were due on or before June 20, 2024; none were filed. This matter remains pending before the FERC.

⁹⁸ Nearly all of EOP-012-2 Requirements will also become enforceable on *October 1, 2024*, with the exception of Requirement R3 which will become mandatory and enforceable on *October 1, 2025*.

⁹⁹ 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).

¹⁰⁰ 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”).

¹⁰¹ 18 CFR § 39.4(b) (2014).

¹⁰² 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”).

XI. Misc. - of Regional Interest

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

On August 23, 2024, Applicants, including Nautilus Power, Bridgeport Energy LLC; Essential Power Massachusetts, LLC; Essential Power Newington, LLC; Rumford Power LLC; and Tiverton Power LLC (collectively, the “ISO-NE Companies”) requested authorization for 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. 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). Comments on this application are due on or before **September 13, 2024**. Thus far, the PJM IMM has intervened. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **203 Application: Berkshire Power/Gate City Power (EC24-104)**

On July 19, 2024, Berkshire Power Company, LLC (“Berkshire Power”) requested authorization for a proposed transaction whereby Gate City Power – NE Generation LLC (“Gate City Power”) will acquire all of the membership interests of Berkshire Power’s parent, Tenaska Hampden Partners, LLC (“Tenaska Hampden”), from Tenaska Energy, Inc. (“Tenaska Energy”) and Tenaska Energy Holdings, LLC (“Tenaska Holdings”). Following consummation of the proposed transaction, Berkshire Power will no longer be a Related Person to Tenaska Power Services *et al.* Comments on this application are due on or before August 9, 2024; none were filed. Public Citizen filed a doc-less intervention. 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).

- **203 Application: Trailstone/Engelhart US (EC24-87)**

On July 25, 2024, the FERC authorized the acquisition by Engelhart CTP (US) LLC (“Engelhart US”) of 100% of the interests in the Trailstone Companies¹⁰³ from Riverstone V Trailstone Holdings.¹⁰⁴ Pursuant to the *Trailstone Order*, Engelhart US and the Trailstone Companies filed a notice of consummation that the transaction was completed on August 23, 2024 (making the Trailstone Companies and Engelhart US Related Persons). This concludes reporting on this proceeding. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **203 Application: Eversource/GIP IV (EC24-59)**

On June 7, 2024, the FERC issued an order authorizing the proposed transaction pursuant to which GIP IV Whale Fund Holdings, L.P. (“GIP Whale”) and/or one more of its affiliates will acquire Eversource Investment, LLC’s interests in North East Offshore, LLC, Revolution Wind, LLC, South Fork Wind, LLC (together with North East Offshore, Revolution Wind and GIP Whale, the “Applicants”).¹⁰⁵ Upon consummation, GIP Whale will hold: (i) Eversource Investment’s 50 percent interest in North East Offshore and will thereby also indirectly hold a 50 percent interest in Revolution Wind; and (ii) Eversource Investment’s 50 percent Class B interest in South Fork Class B and will thereby also indirectly hold an interest in South Fork Wind. The Applicants must file a notice within 10 days of consummation of the transaction, which as of the date of this Report has not happened. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **203 Application: GIP/BlackRock (EC24-58)**

Still pending is the March 12, 2024 request by Global Infrastructure Management, LLC (“GIM”) d/b/a Global Infrastructure Partners, on behalf of investment funds sponsored by GIM that own public utility

¹⁰³ The “Trailstone Companies” are Trailstone Energy Marketing, LLC and Trailstone Renewables, LLC.

¹⁰⁴ *TrailStone Energy Marketing, LLC, Trailstone Renewables, LLC, and Engelhart CTP (US) LLC*, 188 FERC ¶ 62,046 (July 25, 2024) (“*Trailstone Order*”).

¹⁰⁵ *North East Offshore, LLC, et al.*, 187 FERC ¶ 62,151 (June 7, 2024).

subsidiaries, and BlackRock, Inc., for authorization for a transaction pursuant to which BlackRock Funding Inc. will acquire 100% of the LLC interests in GIM and thereby an indirect controlling interest in the GIM public utility subsidiaries, including, among others, Clearway Power Marketing and GenConn Energy. Following an errata notice, comments on this 203 application were due on or before May 13, 2024. As previously reported the FERC issued a deficiency letter, to which GIM responded on June 18, 2024.¹⁰⁶ Public Citizen and Private Equity Stakeholder Project¹⁰⁷ have filed three joint protests (the first related to upstream ownership/affiliate issues; the second, addressing Applicants' proposed purchase of Allete; the third, with GIM's deficiency letter response, particularly the transaction would impact the blanket authorization granted to BlackRock and certain of its investment management subsidiaries); Sierra Club also filed a protest. On June 5, 2024, Applicants answered the Protests. On June 18, 2024, Applicants answered the FERC's deficiency letter. 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).

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

On August 30, 2024, UI filed a new Wholesale Distribution Tariff 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.¹⁰⁸ An October 30, 2024 effective date was requested. Comments on the UI Wholesale Distribution Tariff are due on or before **September 20, 2024**. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **Cost Reimbursement Agreement Cancellation: NEP/Holden (ER24-2852)**

On August 23, 2024, NEP filed a notice of cancellation of its Cost Reimbursement Agreement ("CRA") with Holden Municipal Light Department ("Holden") pursuant to which NEP performed work to support Holden's plan to rebuild its Chaffins Substation. The CRA is no longer required because all work pursuant to the CRA is complete and all invoices for that work paid. An October 23, 2024 effective date was requested. Comments on the CRA cancellation are due on or before **September 13, 2024**. If you have any questions concerning this matter, please contact 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)) to provide for National Grid's recovery of costs associated with the provision of Wholesale Distribution Service ("WDS") to customers who own qualifying standalone electric energy storage systems ("ESS") 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 Wholesale Distribution Tariffs will enable

¹⁰⁶ The FERC issued a deficiency letter on June 5, 2024 directing Applicants to address issues related to the data and methods used for the submitted Delivered Price Test ("DPT") and how the Proposed Transaction is consistent with, or would have any impact on the terms of, the blanket authorization granted to BlackRock and certain of its investment management subsidiaries. GIM responded to the deficiency letter on June 18, 2024. Comments on the deficiency letter were due on or before July 9, 2024. As noted herein, Public Citizen and Private Equity Stakeholder Project protested a piece of the deficiency letter response.

¹⁰⁷ The Private Equity Stakeholder Project states that it supports stakeholders impacted by private equity firms and similar private asset managers. See <https://pestakeholder.org/>.

¹⁰⁸ 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>.

National Grid to provide the WDS 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 are due on or before **September 6, 2024**. Thus far, the MA AG, MA DPU, MA DOER, and New Leaf have intervened. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **D&E Agreement Cancellation: NSTAR/Hingham (ER24-2695)**

On August 2, 2024, NSTAR filed to terminate the Design & Engineering Agreement (“D&E Agreement”) between NSTAR and Hingham Municipal Lighting Plant (“Hingham”). NSTAR stated that it has completed all work pursuant to the Agreement and reconciliation of billings is complete. An effective termination date of July 1, 2024 was requested. Comments on this filing were due on or before August 23, 2024; none were filed. 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).

- **LGIA: ISO-NE/CL&P/Brookfield Husky Solar (ER247-2740)**

On August 9, 2024, ISO-NE filed for acceptance a non-conforming LGIA covering the interconnection of Brookfield's ~50 MW solar facility located in Sterling, CT (non-conforming only in that it is unexecuted). ISO-NE stated that FERC acceptance of the LGIA will eliminate any uncertainty remaining regarding the issue of whether Sterling Property, LLC retains any right to use the 87 MW of capacity on the CL&P Tie Line pursuant to the IA between Sterling and CL&P. Comments on this filing were due on or before August 30, 2024; none were filed. Brookfield Husky Solar LLC 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).

- **E&P Agreement 3d Amendment: Seabrook/NECEC Transmission (ER24-2588)**

On July 25, 2024, NextEra Energy Seabrook, LLC (“Seabrook”) filed a third amendment to the Engineering and Procurement (“E&P”) Agreement between Seabrook and NECEC Transmission LLC (“NECEC”) (the “A&R E&P Agreement”). The A&R E&P Agreement covers the final engineering drawings through the procurement and delivery of the 24.5 kV generator circuit breaker and ancillary equipment to Seabrook Station in advance of the Fall 2024 outage. The third amendment seeks approximately \$3 million in additional funding to cover “higher costs driven by increased engineering scope, outage planning, and higher internal project support”. Comments on this filing were due on or before August 15, 2024; none were filed. Avangrid and National Grid filed doc-less interventions. 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).

- **Interconnection Study Agreement: PSNH / Wok, LLC (ER24-2522)**

On August 30, 2024, the FERC accepted an Interconnection Study Agreement (“ISA”) between PSNH and Wok, LLC (which is proposing to potentially construct a facility and establish a load interconnection to PSNH's transmission system) to cover the costs of assessing the viability of a potential interconnection and providing high-level, non-binding cost estimates for the portion of such infrastructure that would be paid for by Wok.¹⁰⁹ The ISA was accepted effective as of *July 16, 2024*, as requested. Unless the August 30 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).

- **Versant Order 1920 MPD Waiver Request (ER24-2462)**

On September 3, 2024, the FERC issued an order granting Versant Power's request a waiver of *Order 1920's* requirements for the Maine Public District (“MPD”) related to regional transmission planning, interregional transmission coordination, and cost allocation methods.¹¹⁰ Finding that the MPD's unique

¹⁰⁹ *Public Service Co. of New Hampshire*, Docket No. ER24-2522-000 (Aug. 30, 2024) (unpublished letter order).

¹¹⁰ *Versant Power*, 188 FERC ¶ 61,150 (Sep. 3, 2024)

geographic and electrical situation makes it impossible for it to meet the requirements of *Order 1920* with respect to regional transmission planning, interregional transmission coordination, and cost allocation, the FERC granted Versant Power's waiver request for the MPD. Unless the September 3 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).

- **LCCSA: RIE/BIPCO/PUD (ER24-2390)**

On August 21, 2024, the FERC accepted a Local Control Center Services Agreement ("LCCSA") among Rhode Island Energy ("RIE"), Block Island Power Company ("BIPCO") and Pascoag Utility District that sets forth the terms of certain local control services provided at or through a dispatching center by RIE and operated under the direction or authorization of ISO-NE.¹¹¹ The LCCSA was accepted effective as of *May 30, 2024*, as requested. Unless the August 21 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).

- **D&E Agreement Cancellation: NSTAR/Medway Grid (ER24-2356)**

On August 16, 2024, the FERC accepted the termination of the Engineering, Design and Procurement Agreement ("D&E Agreement") between NSTAR and Medway Grid, LLC.¹¹² As previously reported, NSTAR stated that it had completed all work pursuant to the Agreement. The termination was accepted effective as of *June 26, 2024*, as requested. Unless the August 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).

- **D&E Agreement: CL&P/BPUS (ER24-2233)**

On August 8, 2024, the FERC accepted a Design & Engineering ("D&E") Agreement between CL&P and BPUS Generation Development LLC ("BPUS").¹¹³ As previously reported, the D&E Agreement sets forth the terms and conditions under which CL&P will perform necessary engineering, procurement and design services in connection with the interconnection of BPUS' 50 MW solar facility in Windham, Connecticut. The D&E Agreement was accepted effective as of *August 11, 2024*, as requested. Unless the August 8 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).

- **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).

- **LGIA – ISO-NE/CMP/Andro Hydro (ER24-1477)**

Also still pending is the non-conforming LGIA, filed March 13, 2024 by ISO-NE and CMP, to govern the interconnection of Andro Hydro, LLC's 27.57 MW hydro facility, which interconnects to the Jay Substation. The

¹¹¹ *The Narragansett Electric Co.*, Docket No. ER24-2390-000 (Aug. 21, 2024) (unpublished letter order).

¹¹² *NSTAR Electric Co.*, Docket No. ER24-2356-000 (Aug. 16, 2024) (unpublished letter order).

¹¹³ *The Connecticut Light & Power Co.*, Docket No. ER24-2233-000 (Aug. 8, 2024) (unpublished letter order).

LGIA is non-conforming in that it contains limited deviations from the Schedule 22 *pro forma* LGIA that are necessary to reflect unique characteristics of Andro Hydro's proposed interconnection, including the interconnection of its facility through shared facilities co-owned, and used by, JGT2 Redevelopment LLC to serve its own load. A February 12, 2024 effective date was requested. Comments on the LGIA filing were due on or before April 3, 2024; none were filed. Andro Hydro intervened doc-lessly. On May 7, 2024, the Filing Parties filed a replacement LGIA to allow the FERC additional time to consider the filing, as well as a related filing made by Andro Hydro (ER24-1629), and further consultation among the Filing Parties. Comments on the May 7 filing were due on May 28, 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").¹¹⁴ 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.¹¹⁵ 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.¹¹⁶ 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.¹¹⁷ There have been two settlement conferences (May 3 and July 17, 2024); a third settlement conference is scheduled for **September 19, 2024**. Settlement Judge proceedings are on-going. On August 5, 2024, Judge Hessler submitted his latest status report, noting the scheduled settlement conference and the exchange of settlement proposals underway, and recommending that settlement judge procedures continue. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **IA Cancellation Versant / PERC (ER24-965)**

At Versant's request, action on this matter has not yet been taken. As previously reported, on January 22, 2024, Versant filed a notice of cancellation of an Interconnection Agreement ("IA") between itself and Penobscot Energy Recovery Company ("PERC"). Versant reported that PERC discontinued operations of an approximately 25 MW solid waste-fired generating facility that interconnected to its Orrington Substation. The facility was later sold to C&M Faith Holdings LLC, and is no longer connected or operating. Comments on the notice of cancellation are due on or before February 12, 2024; none were filed. On February 12, PERC intervened doc-lessly. On February 29, 2024, Versant Power asked that the FERC take no action on the filed notice of cancellation prior to May 1, 2024, in order to allow Versant and the new owner of the PERC facility, which may wish to reenergize the facility

¹¹⁴ *Central Maine Power Co.*, 187 FERC ¶ 61,002 (Apr. 1, 2024) ("*CMP ESF Rate Order*").

¹¹⁵ *Id.* at P 29.

¹¹⁶ *Id.*

¹¹⁷ *Central Maine Power Co.*, Docket No. ER24-1177-000 (Apr. 5, 2024) (unpublished letter order).

and assume the IA, to agree to a course of action. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

XII. Misc. - Administrative & Rulemaking Proceedings¹¹⁸

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

On **September 10-11, 2024**, The FERC will hold a workshop to provide a public forum for the presentation and discussion of opportunities for further innovation and increased efficiency in the generator interconnection process. The three September 10 panels will address: 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 will address: Further Efficiencies in the Generator Interconnection Process, Automation and Advanced Computing Technologies, and Post-Generator Interconnection Agreement Construction Phase. In a second supplemental notice issued on August 14, 2024, the FERC asked panelists to submit advance materials to provide written answers to the questions presented for their respective panel and any further information (e.g., summary statements, reports, whitepapers, studies, or testimonies) that panelists believe should be included in the record of the proceeding. Panelists materials were filed in this proceeding between August 23 and September 3. In a third supplemental notice issued on September 3, 2024, the FERC attached a revised agenda for the workshop, which included a final workshop program and expected speakers. The third notice noted that the Commissioners may attend and participate in the workshop. An additional supplemental notice will be issued following the technical conference identifying the opportunity for interested parties to submit post-technical conference comments. The technical conference will be held at FERC headquarters in Washington, DC. There is no fee for attendance, and those unable to attend in person will be able to watch via a free webcast or the recording thereof.

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

On **November 1, 2024**, the FERC will hold 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 FERC said that its next supplemental notice will include details on panels and a self-nomination process. The technical conference will be open to the public. Advance registration will not be required, and there will be no fee for attendance. Information will also be posted on the Calendar of Events on the FERC's website prior to the event.

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

On August 12, 2024, the FERC issued an order¹¹⁹ listing the members of the Federal and State Current Issues Collaborative ("Collaborative"), the successor to the Joint Federal-State Task Force on Electric Transmission:¹²⁰ From NECPUC: MPUC Chairman Phil Bartlett and NHPUC Commissioner Pradip Chattopadhyay;

¹¹⁸ Reporting on the following Administrative proceedings have been suspended since the last Report 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).

¹¹⁹ *Federal and State Current Issues Collaborative*, 188 FERC ¶ 61,120 (Aug. 12, 2024).

¹²⁰ *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 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 FERC expects that the first public meeting of the Collaborative will be held in the Fall of 2024. 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.

from MACRUC: PA PUC Vice Chair Kimberly M. Barrow and PH PUC Commissioner Dennis P. Deters; from the Mid-America Regulatory Conference (“MARC”) IN Utility Regulatory Commission Chairman Jim Huston and MI PUC Commissioner Katherine Peretick; from SEARUC: NC Utilities Commissioner Kimberly W. Duffley and FL PSC Commissioner Art Graham; and from WESTERN: ID PUC Commissioner Eric Anderson and NM Public Regulation Commission Chair Patrick O’Connell. Each state commissioner will each serve a one-year term. The FERC Chairman will serve as the Chair of the Collaborative, with one state commission member of the Collaborative, selected by the 10 state commission members, to as the Co-Chair of the Collaborative. The FERC said that it expects the initial public meeting of the Collaborative to be held during the Fall of 2024, and will issue a notice announcing the time and place and agenda for the first meeting of the Collaborative, after consulting with members of the Collaborative.

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

On June 27, 2024, the FERC issued an advanced notice of proposed rulemaking (“ANOPR”)¹²¹ seeking comments on both the need for a dynamic line ratings (“DLRs”)¹²² 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. Comments in response to the ANOPR are due **October 15, 2024**.¹²³ Reply comments are due **November 12, 2024**. A more detailed summary of the ANOPR was provided to and reviewed with the Transmission Committee. On July 26, 2024, Electric Grid Monitoring filed comments in support of FERC moving forward with a NOPR and Final Rule.

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

On October 19, 2023, the FERC issued a NOPR¹²⁴ 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/EPSCA, 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 were filed by [ISO-NE](#), [CAISO](#), [MISO](#), [NYISO](#), [PJM](#), [BPA](#), [EEI](#), [Energy Compliance Consulting](#), [EPSCA](#), [Interstate Gas Supply](#), [Macquarie](#), [PG&E](#), [Systrends](#), [Tri-State](#), [XBRL US](#). This matter remains pending before the FERC.

¹²¹ *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.

¹²² 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.

¹²³ The ANOPR was published in the *Fed. Reg.* on July 15, 2024 (Vol. 89, No. 135) pp. 57,690-57,716.

¹²⁴ *Revisions to the Filing Process and Data Collection for the Electric Quarterly Report*, 185 FERC ¶ 61,043 (Oct. 19, 2023) (“*EQR NOPR*”).

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

On May 16, 2024, the FERC issued *Order 1977*¹²⁵ 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**.¹²⁶ 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.¹²⁷ 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.¹²⁸ If you have any questions concerning *Order 1977*, please contact Eric Runge (617-345-4735; ekrunge@daypitney.com) or Margaret Czepiel (202-218-3906; mczepiel@daypitney.com).

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

On March 21, 2024, the FERC issued a NOPR¹²⁹ proposing revisions to 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."¹³⁰ The proposed change may affect revenues received by reactive power resources in New England.¹³¹ The NOPR seeks comments on, among other issues, the following:

- (i) The reliability impact of prohibiting transmission providers from including in their transmission rates any charges associated with the supply of reactive power within the standard power factor range from a generating facility in regions where generating facilities currently receive such compensation;
- (ii) Whether, and if so how, the elimination of separate reactive power payments will affect generating facilities' ability to recover their costs in the markets that currently provide reactive power compensation within the standard power factor range;
- (iii) Whether, and if so how, eliminating separate reactive power compensation within the standard power factor range may affect investment decisions to build, or finish building, generation facilities, and whether, and if so how, the elimination could otherwise affect generators' business decisions in those markets; and
- (iv) If the FERC allows existing generation resources that have previously received compensation for reactive power supply to continue to receive compensation for a limited period while prohibiting new generation resources from receiving reactive power compensation, how should it determine

¹²⁵ *Applications for Permits to Site Interstate Elec. Transmission Facilities*, 187 FERC ¶ 61,069 (May 13, 2024) ("*Order 1977*").

¹²⁶ *Order 1977* was published in the *Fed. Reg.* on May 29, 2024 (Vol. 89, No. 104) pp. 46,682-46,740.

¹²⁷ "Public Interest Organizations" are Earthjustice, Environmental Defense Fund, NRDC, Sierra Club, Sustainable FERC Project, UCS, WE ACT for Environmental Justice, and the Yurok Tribe.

¹²⁸ *Applications for Permits to Site Interstate Elec. Transmission Facilities*, 188 FERC ¶ 61,027 (July 15, 2024).

¹²⁹ *Compensation for Reactive Power Within the Standard Power Factor Range*, 186 FERC ¶ 61,203 (Mar. 21, 2024) ("*Reactive Power NOPR*").

¹³⁰ *Reactive Power NOPR* PP 51-53.

¹³¹ Generating facilities in New England are compensated for reactive power under a flat, inflation-adjusted rate design.

eligibility for continued compensation in a manner that is just and reasonable and not unduly discriminatory or preferential.¹³²

Initial comments on the *Reactive Power NOPR* were due May 28, 2024; reply comments were due **June 26, 2024**.¹³³ NEPOOL Counsel prepared a [summary](#) of the NOPR which was distributed to, and was reviewed with, the Transmission Committee at the March 27, 2024 TC Meeting.

Comments. Initial comments were filed on May 28, 2024 by over 30 parties, including by: [ISO-NE](#), [Calpine](#), [CT OCC](#), [EDP Renewables](#), [Glenvale](#), [National Grid](#), [New England Consumer Advocates](#), [ACPA/SEI](#), [ACORE](#), [EPSA](#), [National Hydropower Assoc.](#), [NEI](#), and [Reactive Service Providers](#). Reply comments were due by June 26, 2024 and filed by: [NEPOOL](#) in response to ISO-NE's initial comments, [NEPGA](#), [NESCOE](#), [Elevate Renewables F7](#), [EPSA](#), [IPPNY](#), [MISO TOs](#), [Old Dominion Electric Coop](#), [PJM IMM](#), and [Dr. C. Gaunt](#). [Onward Energy](#) filed supplemental comments on July 23, 2024.

The Reactive Power NOPR is pending before the FERC.

- **Order 1920: Transmission Planning Reforms (RM21-17)**

On May 13, 2023, the FERC issued *Order 1920*,¹³⁴ 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*,¹³⁵ 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.

¹³² *Id.* at PP 47, 49, 56.

¹³³ The *Reactive Power NOPR* was published in the Fed. Reg. on Mar. 28, 2024 (Vol. 89, No. 61) pp. 21,454-21,468.

¹³⁴ *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection*, 187 FERC ¶ 61,068 (May 13, 2024) (“*Order 1920*”).

¹³⁵ *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*.¹³⁶ 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 file 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.¹³⁷

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

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

XIII. FERC Enforcement Proceedings

Electric-Related Enforcement Actions

- **VES Stipulation and Consent Agreement (IN24-11)**

On August 6, 2024, the FERC approved a Stipulation and Consent Agreement with Vista Energy Storage, LLC ("VES")¹³⁸ to resolve OE's investigation of whether VES violated FERC regulations and/or the CAISO Tariff by submitting bids to CAISO when its battery storage system ("Vista Battery") was not reasonably expected to be available and capable of performing at the levels specified in the bids.¹³⁹ The investigation arose out of a referral from the CAISO Department of Market Monitoring. Under the Stipulation and Consent Agreement, VES agreed to **disgorge \$1.67 million** to CAISO, to pay a **civil penalty of \$1 million** to the United States Treasury, and to be subject to compliance monitoring. If you have any questions concerning this matter, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

¹³⁶ *Order 1920* was published in the Fed. Reg. on Jun. 11, 2024 (Vol. 89, No. 113) pp. 49,280-49,586.

¹³⁷ *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection*, 188 FERC ¶ 62,025 (July 15, 2024).

¹³⁸ VES is a subsidiary of REV, a renewable power company with approximately 2.8 GW in generation assets, including the Vista Battery in CAISO, and an indirect subsidiary of LS Power, whose affiliates own approximately 87% of REV. VES owns and operates the Vista Battery, which has a maximum storage capacity of 40 MWh, and can fully charge or discharge at a rate of 40 MW within one hour.

¹³⁹ *Vista Energy Storage, LLC*, 188 FERC ¶ 61,112 (Aug. 6, 2024). On 33 days during Summer 2022 ("Relevant Period"), Vista submitted inaccurate/low expected Initial State of Charge values as part of its Regulation Down bids when the Vista Battery actual State of Charge was otherwise much higher based on Regulation Up awards in the final hour of the day before. Because VES submitted low Initial State of Charge values, VES obtained Bid Cost Recovery payments and Regulation Down awards it would not have otherwise obtained.

- **NextEra CAISO Affiliates Stipulation and Consent Agreement (IN24-10)**

On August 8, 2024, the FERC approved a Stipulation and Consent Agreement with NextEra CAISO Affiliates¹⁴⁰ to resolve OE's investigation into whether NextEra CAISO Affiliates violated FERC regulations and/or the CAISO Tariff when providing ancillary services to CAISO during the relevant period (January 1, 2022 through September 1, 2023).¹⁴¹ The NextEra CAISO Affiliates each operate a co-located battery energy storage system and solar generation facility (which taken together are considered a "Plant") that function as separate resources but share the same point of interconnection. Under the CAISO LGIA for each Plant, the resources cannot exceed the POI limit, which is significantly below the combined maximum potential output of each Plant's battery and solar facilities. During the relevant period, there were many five-minute intervals during which the Plants' battery facilities deviated from dispatch instructions while holding ancillary services awards because, on these occasions, as the combined output of the Plants approached or met the shared POI limit, NextEra's software automatically curtailed the battery facilities instead of curtailing the solar facilities, thereby allowing the solar facilities to receive energy revenues when they should have otherwise been curtailed. This investigation also arose out of a referral from the CAISO Department of Market Monitoring. Under the Stipulation and Consent Agreement, NextEra CAISO Affiliates agreed to **disgorge \$381,724** to CAISO, to pay a **civil penalty of \$105,000** to the United States Treasury, and to be subject to compliance monitoring. If you have any questions concerning this matter, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **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.¹⁴² The FERC directed Ketchup 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."¹⁴³

As reported in last Report, finding that the Order to Show Cause was not served on Respondents, as required by Rule 2010 of the FERC's Rules of Practice and Procedure, the FERC directed the FERC Secretary to serve the Order to Show Cause on Respondents and to issue a notice in this proceeding indicating the date on

¹⁴⁰ *Arlington Energy Center III, LLC et al.*, 188 FERC ¶ 61,117 (Aug. 8, 2024). "NextEra CAISO Affiliates" are for purposes of this proceeding collectively: Arlington Energy Center III, LLC; Blythe Solar 110, LLC; Blythe Solar III, LLC; Blythe Solar IV, LLC; Desert Sunlight 250, LLC; Sunlight Storage, LLC; and McCoy Solar, LLC.

¹⁴¹ NextEra CAISO Affiliates' software had not been updated to comply with a December 2021 CAISO Tariff change that prohibits co-located battery facilities from deviating from dispatch instructions when providing ancillary services. NextEra Affiliates' battery facilities deviated from dispatch instructions while holding ancillary services awards at times when the combined output of the facilities approached or met their shared Point of Interconnection ("POI") limit and NextEra's software automatically curtailed the battery facilities instead of curtailing the solar facilities.

¹⁴² *Ketchup Caddy, LLC and Philip Mango*, 186 FERC ¶ 61,132 (Feb. 21, 2024).

¹⁴³ *Id.* at P 3.

which service was made.¹⁴⁴ The FERC amended the answer deadline in the Order to Show Cause to require Respondents to respond to the Order to Show Cause by no later than 19-4

in 30 days after the date on which the Office of the Secretary serves the Order to Show Cause on Respondents. 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,¹⁴⁵ 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,¹⁴⁶ 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 order¹⁴⁷ 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,¹⁴⁸ 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 Project;¹⁴⁹ (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

¹⁴⁴ *Ketchup Caddy, LLC and Philip Mango*, 188 FERC ¶ 61,081 (July 26, 2024) at P 4.

¹⁴⁵ 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.

¹⁴⁶ *Rover Pipeline, LLC, and Energy Transfer Partners, L.P.*, 183 FERC ¶ 61,190 (June 14, 2023) (“*June 14 Order*”).

¹⁴⁷ *Rover Pipeline, LLC, and Energy Transfer Partners, L.P.*, 177 FERC ¶ 61,182 (Dec. 16, 2021) (“*Rover/ETP Tuscarawas River HDD Show Cause Order*”).

¹⁴⁸ *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*”).

¹⁴⁹ 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.

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.¹⁵⁰ 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 order¹⁵¹ 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 2012.¹⁵²

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.¹⁵³ On July 27, 2021, Chief Judge Cintron designated Judge Suzanne Krolikowski as the Presiding ALJ and established an extended Track III Schedule for the proceeding.

Discovery in this case closed on December 2, 2022. On December 16, 2022, Respondents filed for a preliminary injunction in the US District Court for the Southern District of Texas (“Southern District”). In order to allow for briefing and a decision on that motion, the FERC placed this proceeding in abeyance.¹⁵⁴

On June 14, 2023, the FERC issued an Order on Presiding Officer Reassignment,¹⁵⁵ 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 *TGPNA Presiding Officer Reassignment Order* takes effect; (ii) held that the *TGPNA Presiding Officer Reassignment Order* will take effect once the Southern District clarifies or lifts its stay for the

¹⁵⁰ *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.

¹⁵¹ *Total Gas & Power North America, Inc.*, 155 FERC ¶ 61,105 (Apr. 28, 2016) (“*TGPNA Show Cause Order*”).

¹⁵² 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.

¹⁵³ *Total Gas & Power North America, Inc. et al.*, 176 FERC ¶ 61,026 (July 15, 2021).

¹⁵⁴ *Total Gas & Power North America, Inc., Total, S.A., Total Gas & Power, Ltd., Aaron Hall, and Therese Tran f/k/a Nguyen*, 181 FERC ¶ 61,252 (Dec. 21, 2022).

¹⁵⁵ *Total Gas & Power North America, Inc., Total, S.A., Total Gas & Power, Ltd., Aaron Hall, and Therese Tran f/k/a Nguyen*, 183 FERC ¶ 61,189 (June 14, 2023) (“*TGPNA Presiding Officer Reassignment Order*”).

limited purpose of allowing the *TGPNA Presiding Officer Reassignment Order* to take effect or the stay is lifted or dissolved such that hearing procedures may resume; (iii) stated that this proceeding otherwise remains suspended until the Southern District's stay is lifted or dissolved such that hearing procedures may resume; and (iv) provided procedural guidance to the new presiding officer. On July 18, 2023, Judge Patricia M. French was substituted as Presiding Judge (relieving Judge Krolikowski of all of her duties with respect to this proceeding).

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 Proceedings

The following New England pipeline projects are 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 request by November 1, 2023.
 - ▶ 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.¹⁵⁶ 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.
 - ▶ In its March 8, 2024 monthly status report, Iroquois indicated that it is still awaiting issuance of air permits from the New York State Department of Environmental Conservation ("NYDEC") and the CT DEEP. Iroquois noted that the public comment period on the NY DPS reliability and needs determination, noticed by NYDEC was open until March 29, 2024. Iroquois has still not yet requested or received authorization to commence construction; accordingly, no construction activities were undertaken in February 2024 and no construction was planned for March 2024.

XV. State Proceedings & Federal Legislative Proceedings

No activities to report.

¹⁵⁶ *Iroquois Gas Transmission Sys., L.P.*, 178 FERC ¶ 61,200 (2022) ("*Iroquois Certificate Order*").

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).

- **Order 1920: Transmission Planning Reforms (24-1254 et al. transferred to 4th Circuit)**

Underlying FERC Proceeding: RM21-17¹⁵⁷

Petitioners: among others, AEU/ACPA/SEIA, Invenergy

Status: Petitions for Review Consolidated in Fourth Circuit Court of Appeals (lead case 24-1650)

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*.¹⁵⁸ 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 in which to consolidate the petitions for review. The DC Circuit ordered that its cases be transferred to the Fourth Circuit. The 4th Circuit lead case no. is 24-1650. On August 22, 2024, the FERC moved, without opposition, to hold the petitions for review in abeyance, with motions to govern due **January 6, 2025**. The FERC’s requested relief would defer all filing deadlines— including filing of the agency record—until after 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*. The FERC’s motion is pending before the 4th Circuit.

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

Underlying FERC Proceeding: ER18-1639-028¹⁵⁹

Petitioner: Mystic

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. 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.¹⁶⁰

In response to a motion by the FERC, the Court ordered that this case be held in abeyance pending further order of the court. Subsequently, in response to a July 16, 2024 unopposed motion by Mystic, the court ordered that the case remain in abeyance pending further order of the Court, with the parties directed to file motions to govern future proceedings in this case by **December 4, 2024**.

¹⁵⁷ *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*”).

¹⁵⁸ Petitioners for review of *Order 1920* have also been filed in the 1st, 4th, 5th, and 9th Circuits

¹⁵⁹ *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*”).

¹⁶⁰ Braintree Electric Light Department, Concord Municipal Light Plant, Georgetown Municipal Light Department, Hingham Municipal Lighting Plant, Littleton Electric Light & Water Department, Middleborough Gas & Electric Department, Middleton Electric Light Department, Norwood Light & Broadband Department, Pascoag Utility District, Reading Municipal Light Department, Taunton Municipal Lighting Plant, Wellesley Municipal Light Plant, and Westfield Gas & Electric Department (collectively, the “Eastern New England Consumer-Owned Systems”).

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

Underlying FERC Proceeding: RM22-14¹⁶¹

Petitioners: AEU et al.

Status: Being Held In Abeyance; Unopposed Proposed Schedule to Govern Future Proceedings Pending

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. On August 5, 2024, the Court ordered the following briefing schedule: Initial Submissions and Certified Index to the Record (August 21, 2024); Joint Petitioners' Briefs (October 30, 2024); Petitioner-Intervenor Brief(s) (November 13, 2024); 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 Joint Petitioners' Briefs.

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

Underlying FERC Proceeding: ER22-983¹⁶²

Petitioners: Eversource, ISO-NE, National Grid, and CMP/UI

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*.¹⁶³ 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 therefore have until **August 5, 2024**, to file motions to govern future proceedings in these consolidated appeals. However, since the last Report, 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 FERC was directed to file status reports at 60-day intervals beginning **September 30, 2024**. 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.

¹⁶¹ *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).

¹⁶² *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").

¹⁶³ 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.

- **Seabrook Dispute Order (23-1094, 23-1215) (consolidated)**
Underlying FERC Proceeding: EL21-6, EL 23-3¹⁶⁴
Petitioner: NextEra Energy Resources, LLC and NextEra Energy Seabrook, LLC
Status: Oral Argument Held Feb 6, 2024; Case Pending Before the Court

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.¹⁶⁵ NextEra subsequently petitioned the Court for review of the June 15, 2023 *Seabrook Dispute Allegheny Order*, which was consolidated with Case No. 23-1094. Briefing is completed. Oral argument was heard on February 6, 2024 by Judges Millett, Katsas and Rao. This matter remains pending before the Court.

- **Mystic II (ROE & True-Up) (21-1198 et al.) (consolidated)**
Underlying FERC Proceeding: ER18-1639-010, -011,¹⁶⁶ -013¹⁶⁷ -017¹⁶⁸
Petitioners: Mystic (21-1198 (lead), 22-1008, 22-1026), CT Parties,¹⁶⁹ (21-1222, 22-1001) MA AG (21-1223), ENECOS (21-1224)
Status: Being Held in Abeyance; Motions to Govern Future Proceedings Due Nov 27, 2024

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 have all also been appealed by various parties and consolidated under 21-1198. Docketing Statements and Statements of Issues to be Raised, and the Underlying Decisions from which the various appeals arise have been filed as new dockets have been opened and then consolidated with 21-1198. As previously reported, the Certified Index to the Record was due, and filed by the FERC, on February 22, 2022. On March 10, 2022, MMWEC and NHEC filed a notice of intent to participate in support of FERC in Case Nos. 21-1198, 22-1008, and 22-1026 and in support of Petitioners in the remaining

¹⁶⁴ *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*”).

¹⁶⁵ 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 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 (“PPF”) 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.

¹⁶⁶ *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).

¹⁶⁷ *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).

¹⁶⁸ *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*).

¹⁶⁹ In this appeal, “CT Parties” are the CT PURA CT PURA, CT DEEP, and the CT OCC.

consolidated cases, and filed a statement of issues. On March 17, 2022, CT Parties moved to intervene, and those interventions were granted on May 4, 2022.

Abeyance. As previously reported, these proceedings have been held in abeyance pending disposition of *MISO Transmission Owners v. FERC*, 16-1325 (“*MISO TOs*”), now on remand at the FERC. Most recently, on July 22, 2024, Constellation reported that all parties agree and asked the Court that this case should remain in abeyance for an additional 90 days pending FERC action on remand in the *MISO TOs* case. On July 30, 2024, the Court issued an order that these cases remain in abeyance and that the parties file motions to govern future proceedings by **Nov 27, 2024**. Since the last Report, Mystic filed an opposed Settlement Agreement that would set the ROE at 9.0% and moot these appeals; Mystic asked for a November 1, 2024 effective date for that Agreement. (see Section II, Mystic COSA ROE Settlement Agreement (ER24-2804). On August 14, 2024, Mystic filed an unopposed Settlement Agreement to establish a settled ROE of 9.0% for the Mystic COSA (“Mystic ROE Settlement Agreement”) that would, if approved, moot all of the ROE appeals currently pending before the DC Circuit related to that ROE. Mystic requested a November 1, 2024 effective date for the Settlement Agreement).

- **CASPR (20-1333, 21-1031) (consolidated)****

Underlying FERC Proceeding: ER18-619¹⁷⁰

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 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)**

Underlying FERC Proceeding: ER15-414¹⁷¹

Petitioners: TOs (CMP et al.)

Status: Being Held in Abeyance

On August 28, 2020, the TOs¹⁷² 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*¹⁷³ 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

¹⁷⁰ *ISO New England Inc.*, 162 FERC ¶ 61,205 (Mar. 9, 2018) (“*CASPR Order*”).

¹⁷¹ *ISO New England Inc.*, 161 FERC ¶ 61,031 (Oct. 6, 2017) (“*Order Rejecting Filing*”).

¹⁷² 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.

¹⁷³ *Emera Maine v. FERC*, 854 F.3d 9 (D.C. Cir. 2017) (“*Emera Maine*”).

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 July 23, 2024.

- ***Chevron Doctrine (US Supreme Ct 20-1329)***¹⁷⁴
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*.¹⁷⁵ *Chevron*, a landmark and often-cited 1984 decision, required courts to defer to a federal agency's reasonable interpretation of ambiguity in a statute.¹⁷⁶ 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.

¹⁷⁴ *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)).

¹⁷⁵ *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)).

¹⁷⁶ *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.”

INDEX
Status Report of Current Regulatory and Legal Proceedings
as of September 3, 2024

I. Complaints/Section 206 Proceedings

206 Proceeding: ISO Market Power Mitigation Rules.....	(EL23-62)	2
206 Proceeding: TO Initial Funding Show Cause Order	(EL24-83)	1
Base ROE Complaints I-IV	(EL11-66, EL13-33; EL14-86; EL16-64)	4
RENEW Network Upgrades O&M Cost Allocation Complaint.....	(EL23-16)	3

II. Rate, ICR, FCA, Cost Recovery Filings

Bear Swamp Power Co. CIP-IROL (Schedule 17) Cost Recovery Schedule Filing	(ER24-2260)	6
Mystic 8/9 Cost of Service Agreement	(ER18-1639)	7
Mystic 30-Day Compliance Filing per Order on ENECOS Mystic COSA Complaint	(ER23-1735)	10
Mystic Allegheny Order Addressing ENECOS' Request for Reh'g of <i>Order on Remand Modification Order</i>	(ER18-1639-026)	8
Mystic COSA Protocols Waiver Request	(ER24-2528)	11
Mystic Revised ROE (Sixth) Compliance Filing	(ER18-1639-014)	10
Mystic COSA ROE Settlement Agreement	(ER24-2804)	11
Mystic Second CapEx Info Filing	(ER18-1639-018)	8
Mystic Third CapEx Info Filing.....	(ER18-1639-000)	7
RENEW Network Upgrades O&M Cost Allocation Complaint.....	(EL23-16)	3
Transmission Rate Annual (2022-23) Update/Informational Filing	(ER09-1532)	11
Transmission Rate Annual (2024) Update/Informational Filing	(ER20-2054-000)	6

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

206 Proceeding: ISO-NE Market Power Mitigation Rules.....	(EL23-62)	2
DASI Conforming Tariff Changes.....	(ER24-2883)	12
eTariff § 1.2 Corrections	(ER24-2270)	13
Waiver Request: Late Stage SIS Process (GDQ ESS).....	(ER24-2926)	12
MW-Dependent Fuel Price Adjustments	(ER24-2584)	13
Mystic COSA Protocols Waiver Request	(ER24-2528)	11
New England's <i>Order 2222</i> Compliance Filings.....	(ER22-983)	14
New England's <i>Order 2222</i> Compliance Filings: Metering Data Submission Revisions	(ER22-983-008)	14
Waiver Request: Withdrawal from IEP and Return of IEP Net Revenues Received (Canal Marketing/Canal 3)	(ER24-1407)	13

IV. OATT Amendments/Coordination Agreements

206 Proceeding: TO Initial Funding Show Cause Order	(EL24-83)	1
LTPP Phase 2 Tariff Changes	(ER24-1978)	16
Fitchburg Att. F App. D Depreciation Rate Changes	(ER24-2766)	16
<i>Order 2023</i> Compliance Changes.....	(ER24-2009)	16
<i>Order 2023</i> Related Changes	(ER24-2007)	17
Versant MPD OATT <i>Order 2023</i> Compliance Filing	(ER24-2035)	27

V. Financial Assurance/Billing Policy Amendments

No activities to Report

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

Schedule 21-GMP: National Grid/Green Mountain Power LSA.....(ER23-2804)19
 Schedule 21-VP: 2022 Annual Update Settlement Agreement(ER20-2054-003)20
 Schedule 21-VP: Versant/Black Bear LSAs(ER23-2035)19
 Schedule 21-VP: Versant/Jonesboro LSA.....(ER24-24)18

VII. NEPOOL Agreement/Participants Agreement Amendments

135th Agreement; PA13 (Unused Provisional Member Voting Share Allocation Changes) .(ER24-2636)20

VIII. Regional Reports

Capital Projects Report – 2024/Q2(ER24-2769)20
 IMM Quarterly Markets Reports: Spring 2024(ZZ24-4)21
 Interconnection Study Metrics Processing Time Exceedance Report 2024/Q1(ER19-1951)21
 ISO-NE FERC Form 3Q (2024/Q1)(not docketed)22

IX. Membership Filings

Aug 2024 Membership Filing(ER24-2623)22
 July 2024 Membership Filing(ER24-2430)22
 Sep 2024 Membership Filing(ER24-2925)22

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

2025 NERC/NPCC Business Plans and Budgets(RR24-5)23
 Report of Comparisons of 2023 Budgeted to Actual Costs for NERC and the REs(RR24-3)23
 Revised Reliability Standards: CIP-002-7 through CIP-013-3 (Virtualization)(RM24-8)23
 Revised Reliability Standard: EOP-012-2(RD24-5)22
 Revised Reliability Standard: PRC-023-6.....(RD23-5)22

XI. Misc. Regional Interest

203 Application: Berkshire Power/ Gate City Power(EC24-104).....24
 203 Application: Carlyle Group (Nautilus)/Q-Generation (Trafigura).....(EC24-114).....24
 203 Application: Eversource / GIP IV(EC24-59).....24
 203 Application: GIM / BlackRock.....(EC24-58).....24
 203 Application: Trailstone/Engelhart US.....(EC24-87).....24
 CMP ESF Rate(ER24-1177)28
 Cost Reimbursement Agreement Cancellation: NEP/Holden(ER24-2852)
 D&E Agreement: CL&P/BPUS(ER24-2233)27
 D&E Agreement Cancellation: NSTAR/Hingham(ER24-2695)26
 D&E Agreement Cancellation: NSTAR/Medway Grid(ER24-2356)27
 E&P Agreement 3d Amendment: Seabrook/NECEC Transmission(ER24-2588)26
 IA Cancellation: Versant / PERC(ER24-965)28
 Interconnection Study Agreement: PSNH / Wok, LLC(ER24-2522)26
 LCCSA: RIE/BIPCO/Pascoag(ER24-2390)27
 LGIA: ISO-NE/CL&P/Brookfield Husky Solar.....(ER247-2740)26
 LGIA: ISO-NE/CMP/Andro Hydro(ER24-1477)27
 Versant Order 1920 MPD Waiver Request(ER24-2462)26
 Wholesale Distribution Tariff – UI(ER24-2939)25
 Wholesale Distribution Tariffs – National Grid (MECO; Nantucket).....(ER24-2796; ER24-2795)25

XII. Misc: Administrative & Rulemaking Proceedings

ANOPR: Implementation of Dynamic Line Ratings(RM24-6)30
 Innovations and Efficiencies in Generator Interconnection(AD24-9).....29
 Joint Federal-State Current Issues Collaborative.....(AD24-7).....29

Large Loads Co-Located at Generating Facilities	(AD24-11)	29
NOPR: EQR Filing Process and Data Collection	(RM23-9)	30
Order 1920: Transmission Planning Reforms.....	(RM21-17)	32
Order 1977: Transmission Siting Changes.....	(RM22-7)	31
NOPR: Compensation for Reactive Power Within the Standard Power Factor Range	(RM22-2)	31

XIII. FERC Enforcement Proceedings

Ketchup Caddy / Phillip Mango (MISO DR Program Violations)	(IN23-14)	34
NextEra CAISO Affiliates Stipulation and Consent Agreement	(IN24-10)	34
Rover Pipeline, LLC and Energy Transfer Partners, L.P. (CPCN Show Cause Order)	(IN19-4)	35
Rover and ETP (Tuscarawas River HDD Show Cause Order)	(IN17-4)	35
Total Gas & Power North America, Inc.	(IN12-17)	36
VES Stipulation and Consent Agreement.....	(IN24-11)	33

XIV. Natural Gas Proceedings

New England Pipeline Proceedings.....		37
Iroquois ExC Project.....	(CP20-48)	37

XV. State Proceedings & Federal Legislative Proceedings

No Activities to Report

XVI. Federal Courts

CASPR	20-1333	(DC Cir.)	41
Chevron Doctrine	20-1329	(US Supreme Ct)	42
Mystic II (ROE & True-Up)	21-1198	(DC Cir.)	40
Mystic Second CapEx Info Filing	24-1077	(DC Cir.)	38
Opinion 531-A Compliance Filing Undo	20-1329	(DC Cir.)	41
Order 1920: Transmission Planning Reforms	24-1254 et al.	(DC Cir.)	38
Order 2023	23-1282 et al.	(DC Cir.)	38
Order 2222 Compliance Orders	23-1167 et al.	(DC Cir.)	39
Seabrook Dispute Order	23-1094	(DC Cir.)	40