

EXECUTIVE SUMMARY
Status Report of Current Regulatory and Legal Proceedings
as of February 5, 2025

The following activity, as more fully described in the attached Litigation Report, has occurred since the report dated January 8, 2025 (“last Report”) was circulated. New matters/proceedings since the last Report are preceded by an asterisk ‘*’. Page numbers precede the matter description.

I. Complaints/Section 206 Proceedings

1	Allco PP5 Complaint (EL25-43)	Jan 10	MA DPU intervenes
		Jan 15	ISO-NE answers Complaint
		Jan 23	Allco answers ISO-NE Jan 15 Answer
		Jan 30	ISO-NE files correction to its Jan 15 Answer

II. Rate, ICR, FCA, Cost Recovery Filings

7	EP Newington CIP-IROL (Sched. 17) Section 205 Cost Recovery Filing (ER25-588)	Jan 16	FERC accepts rate schedule revisions to allow recovery of \$356,401 in eligible CIP-IROL costs incurred between Jul 1, 2023 and Jun 30, 2024, eff. <i>Jan 27, 2025</i>
7	ICR-Related Values and HQICCs – Annual Reconfiguration Auctions (ER25-519)	Jan 17	FERC accepts ICR-Related Values for the third, second and first ARAs for the 2025-26, 2026-27, and 2027-28 Capability Years, respectively, eff. <i>Jan 21, 2025</i>
7	FirstLight CIP-IROL (Schedule 17) Section 205 Cost Recovery Filing (ER25-509)	Jan 15	FERC accepts rate schedule revisions to allow recovery of \$87,186 in eligible CIP-IROL costs incurred between Sep 16, 2022 and Dec 31, 2024, eff. <i>Jan 20, 2025</i>

9 Mystic 8/9 COSA (ER18-1639)

9	Mystic Global Settlement (ER18-1639-029)	Jan 16	FERC accepts Global Settlement Agreement
9	Mystic COSA ROE Settlement Agreement Tariff Records (ER25-584; ER24-2804)	Jan 14	FERC accepts Tariff records

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

10	Waiver Request: Withdrawal from 2024-25 IEP (Cleary Unit 9) (ER25-707)	Jan 14	Cleary 9 Participants withdraw their request for a one-time waiver of Market Rule 1 Appendix K (IEP)
10	Canal Marketing Winter 2023/24 IEP Withdrawal Settlement Agreement (ER25-56; ER24-1407)	Jan 29	FERC approves Settlement Agreement

IV. OATT Amendments / TOAs / Coordination Agreements

*	11	Attachment F App. A PBOP Fixed Expense Revisions (GMP) (ER25-1114)	Jan 31	GMP files revisions to Appendix A to Attachment F to report on an over-recovery of transmission-related PBOP expenses; comment deadline Jan 21, 2025
	11	PBOP Collections Report (New England Power) (ER25-510)	Jan 21	FERC accepts NEP’s Collection Report, eff. <i>Jan 22, 2025</i>
	11	<i>Order 2023</i> Compliance Revisions (ER24-2009) and Related Changes (ER24-2007)	Jan 15	Then Chairman Phillips responds to NESCOE’s Nov 25, 2024 letter urging the FERC to act swiftly on the region’s <i>Order 2023</i> compliance proposal

V. Financial Assurance/Billing Policy Amendments

13	FAP Revisions to Mitigate Risk of PFP Penalty Payment Defaults (ER24-3071)	Jan 31	FERC accepts FAP Revisions, eff. <i>Feb 1, 2025</i> (and to be implemented <i>June 1, 2025</i>)
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VI. Schedule 20/21/22/23 Changes & Agreements

14	Schedule 21-RIE: Revisions (ER25-347)	Jan 16	FERC accepts Schedule 21-RIE Revisions, eff. <i>Jan 1, 2025</i>
14	Schedule 22: ISO-NE/CMP/Andro Hydro LGIA (ER24-2970)	Jan 27	ISO-NE and CMP submit deficiency letter response; comment deadline on response Feb 18, 2025

VII. NEPOOL Agreement/Participants Agreement Amendments

No Activity to Report

VIII. Regional Reports

* 17	Transmission Projects Annual Info Filing (ER13-193)	Jan 31	ISO-NE files annual informational filing of projects on the RSP project list that had a year of need 3 years or less from the completion of the Needs Assessment as required under OATT § 4.1(j)(iii)
* 17	LFTR Implementation: 65 th Quarterly Status Report (ER07-476)	Jan 15	ISO-NE files its 65th quarterly report

IX. Membership Filings

* 17	Feb 2025 Membership Filing (ER25-1122)	Jan 31	New Members: Five Elements Energy Northeast LLC and Five Elements Energy II LLC (Supplier Sector); and Three Rivers Solar Power, LLC (AR Sector, RG Sub-Sector, Large RG Group Seat); and Termination of Participant status: Trailstone Renewables; Syncarpha North Adams; and Precept Power Name Changes: Collins Hydro (f/k/a Dichotomy Collins Hydro) and Engelhart CTP Marketing (f/k/a TrailStone Energy Marketing)
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X. Misc. - ERO Rules, Filings; Reliability Standards

18	Reliability Standards: BAL-007-1 and TOP-003-7 (RD25-5)	Jan 14-23	Ameren, Calpine, Public Citizen intervene; comment deadline Feb 5, 2025
18	Reliability Standard: TPL-008-1 (RD25-4)	Jan 14-23	Ameren, Calpine, Public Citizen intervene
19	Revised Reliability Standards: PRC-029-1 and PRC-024-4 (RM25-3)	Jan 16	UCS intervenes; comment deadline Mar 24, 2025

XI. Misc. - of Regional Interest

20	203 Application: Plus Power/TWG Global (EC25-28)	Jan 31	FERC approves Plus transfer of managerial control over Plus Power MBR Entities to TWG Global
20	203 Application: RISEC/Shell (EC25-14)	Jan 23	Shell consummates its indirect acquisition of 100% of the ownership interests in Rhode Island State Energy Center, LP
21	203 Application: Carlyle Group (Nautilus)/Q-Generation (Trafigura) (EC24-114)	Jan 6	Q-Generation consummates its indirect acquisition of 100% of the ownership interests in an indirect affiliate of The Carlyle Group

* 21	Depreciation Updates to NEP SA 20 (ER25-970)	Jan 17	NEP submits updates to the depreciation rates set forth in Service Agreement No. 20 among NEP, MECO, and Nantucket Electric under NEP's Tariff No. 1; comment deadline Feb 7, 2025
* 21	SGIA Termination Notice: Bantam Station (ER25-906)	Jan 10	ISO-NE and CL&P submit notice of termination of SGIA
21	National Grid Incentives for NGPUP Project (ER25-866)	Jan 27 Jan 9-Jan 23	Public Systems , NESCOE , MA DOER file comments MA AG, MA DPU intervene
22	CL&P Rate Incentives for Huntsbrook Junction Project (ER25-747)	Jan 23	Public Systems submit comments
24	Order 2023 Compliance Filing: Versant MPD OATT (ER24-2035)	Jan 16	FERC accepts in part Versant's Order 2023 compliance filing, eff. <i>Jan 1, 2025</i> ; further compliance filing due on or before Mar 17, 2025
24	CMP ESF Rate (ER24-1177)	Jan 23	Judge Hessler issues fifth status report recommending that settlement judge procedures continue

XII. Misc. - Administrative & Rulemaking Proceedings



25	Large Loads Co-Located at Generating Facilities (AD24-11)	Jan 17, 19	Post-tech conf. comments filed by National Grid Renewables Development and Advocates for Consumer Regulated Electricity
26	Joint Federal-State Current Issues Collaborative (AD24-7)	Jan 21, 22	INGAA and ODEC file reply comments
28	Orders 1920 and 1920-A: Transmission Planning Reforms (RM21-17)	Jan 15 Feb 5	ISO-NE, NESCOE and the PTO AC request extension of time to comply with <i>Order 1920</i> PIOs submit comments in response to extension request

XIII. FERC Enforcement Proceedings



Electric-Related Enforcement Actions

* 30	Scrubgrass Stipulation and Consent Agreement (IN24-14)	Jan 30	FERC approves Agreement that resolves OE's investigation into whether Scrubgrass violated the PJM Tariff; Scrubgrass agrees to disgorge \$678,635 , pay a \$741,365 civil penalty , and submit compliance monitoring reports for at least 2 years
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XIV. Natural Gas Proceedings



No Activity to Report

XV. State Proceedings & Federal Legislative Proceedings



No Activity to Report

XVI. Federal Courts



34	Orders 2023 and 2023-A (23-1282 et al.) (consolidated)	Feb 5	Respondents Brief filed
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M E M O R A N D U M

TO: NEPOOL Participants Committee Members and Alternates

FROM: Pat Gerity and Joan Bosma, NEPOOL Counsel

DATE: February 5, 2025

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 February 5, 2025. If you have questions, please contact us.

I. Complaints/Section 206 Proceedings

- **Consumers RTP Complaint (EL25-44)**

On December 19, 2024, a group of “Consumer Complainants”² filed a complaint against all FERC-jurisdictional public utility transmission providers with local planning tariffs (including ISO-NE and the remaining ISO/RTOs) asserting that their tariffs, which authorize individual transmission owners to plan FERC-jurisdictional transmission facilities at 100 kV and above (“Local Planning”) without regard to whether such Local Planning approach is the more efficient or cost-effective transmission project for the interconnected transmission grid and cost-effective for electric consumers, coupled with the absence of an independent transmission system planner, “are unjust and unreasonable, having produced inefficient planning and projects that are not cost-effective, resulting in unjust and unreasonable rates for both individual projects and cumulative regional transmission plans and portfolios.” Specifically, the Consumer Complainants assert that the FERC must mandate (i) revision of local and regional planning tariffs to (a) prohibit individual transmission owner planning of FERC-jurisdictional transmission facilities 100 kV and above; and (b) require exclusive regional planning of all transmission facilities 100 kV and above, utilizing existing *Order 1000* regions; and (ii) that all regional planning must be conducted through an Independent Transmission Planner as described in their Complaint. Answers, interventions, comments, and protests to the Consumers RTP Complaint are due on or before **March 20, 2025**.³ Thus far, interventions have been filed by over 50 parties, including NEPOOL. If you have any questions concerning this matter, please contact Eric Runge (617-345-4735; ekrunge@daypitney.com).

- **Allco PP5 Complaint (EL25-43)**

Also on December 19, 2024, Allco Finance Limited (“Allco”) filed a complaint asking the FERC to (i) direct ISO-NE to abolish its Planning Procedure No. 5 (“PP5”) procedures by (ii) finding that PP5’s procedures

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 “Consumer Complainants” are Industrial Energy Consumers of America, American Forest & Paper Assoc., R Street Institute, Glass Packaging Institute, Public Citizen, PJM Industrial Customer Coalition, Coalition of MISO Transmission Customers, Assoc. of Businesses Advocating for Tariff Equity, Carolina Utility Customers Assoc., PA Energy Consumer Alliance, Resale Power Group of Iowa, Wisconsin Industrial Energy Group, Multiple Intervenors (NY), Arkansas Elec. Energy Consumers, Inc., Public Power Assoc. of NJ, OK Industrial Energy Consumers, Large Energy Group of Iowa, Industrial Energy Consumers of PA, MD Office of People’s Counsel, Pennsylvania Office of Consumer Advocate, Consumer Advocate Div. of the Public Service Commission of WV, and Missouri Industrial Energy Consumers.

³ EEI and WIREs asked that the period for answers to, interventions in, comments on, and protests of the Complaint be extended an additional 45 days -- to March 20, 2025. The EEI/WIREs request was supported by the ISO/RTO Council (“IRC”), MISO TOs, and Americans for a Clean Energy Grid (“ACEG”). Complainants opposed the EEI/WIREs request.

are unjust and unreasonable and unduly discriminatory and/or preferential in violation of section 206 of the FPA; and (iii) find that ISO-NE has violated the FPA by forcing on State jurisdictional interconnections, such as Allco's, the requirement to pay for transmission level interconnection studies, to pay for Power Systems Computer Aided Design ("PSCAD") models in connection with such studies, and by causing delays to the execution by distribution utilities of State jurisdictional generator interconnection agreements (particularly for Allco's 2 MW Winsted solar energy project). Allco's arguments are very similar to those Allco raised in the *Order 2023 Compliance Revisions and Related Changes* proceeding (see Section IV below). Comments on the Allco PP5 Complaint, following an ISO-requested and FERC-granted extension of time, were due on or before January 15, 2025. ISO-NE answered the Allco PP5 Complaint on January 15, 2025 (as corrected on January 30, 2025). On January 23, 2025, Allco answered ISO-NE's January 15 Answer. Doc-less interventions only were filed by NEPOOL, Calpine, National Grid, the MA DPU, and Public Citizen. 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).

- **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).⁴ 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.⁵ 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.⁶ 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.⁷ The refund effective date for this proceeding is June 24, 2024.⁸ A more detailed summary of the *TO Initial Funding Show Cause Order* was circulated to, and was reviewed with, the Transmission Committee.

Interventions were due on or before July 5, 2024 and were filed by the following New England-related parties:⁹ NEPOOL, Advanced Energy United ("AEU"), Avangrid, Calpine, CMEEC (out-of-time), EDP Renewables, Eversource, Invenergy, MA AG, National Grid, NESCOE, NextEra, NRDC, PPL, Maine Public Utilities Commission ("MPUC"), Massachusetts Department of Public Utilities ("MA DPU"), American Clean Power Association ("ACPA"), American Council on Renewable Energy ("ACRE"), Edison Electric Institute ("EEI"), Electric Power Supply Association ("EPSA"), RENEW Northeast ("RENEW"), Solar Energy Industries Association ("SEIA"), WIRES, Cordelio Services, and Public Citizen.

NE Response to Show Cause Order (Attaching Substantive Response by NETOs). On September 11, 2024, ISO-NE submitted a response ("NE Response") explaining that, because the rules identified in the *TO Initial*

⁴ *ISO New England Inc. et al.*, 187 FERC ¶ 61,170 (June 13, 2024) ("*TO Initial Funding Show Cause Order*").

⁵ *Id.* at P 1.

⁶ *Id.*

⁷ *Id.* at P 2.

⁸ Notice of this 206 proceeding was published in the *Fed. Reg.* on June 24, 2024 (Vol. 89, No. 121) pp. 52,454-52,455.

⁹ 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).

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

Responses to the September NE Response were due on or before October 25, 2024. Responses from ISO-NE-related parties to this joint proceeding were filed by, among others: [NE TOs](#), [Invenergy](#), [Public Interest Organizations](#), [Public Systems](#), [Clean Energy Associations](#), [EEI](#), [WIRES](#), and the [Harvard Law Initiative](#). This matter is pending before the FERC.

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

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

As previously reported, the FERC, on December 19, 2024, granted in part and dismissed in part¹³ the December 13, 2022 complaint by RENEW Northeast, Inc. (“RENEW”) against ISO-NE and the Participating Transmission Owners (“PTOs”) that sought changes to the ISO-NE Tariff (Schedules 11 and 21) to eliminate the direct assignment of Network Upgrade Operations and Maintenance costs (“O&M Costs”) to Interconnection Customers.¹⁴ In the *RENEW O&M Complaint Order*, the FERC (i) denied ISO-NE’s motion for dismissal as a party; (ii) found the Tariff’s assignment of O&M Costs unjust and unreasonable; (iii) found the definition of Interested Party from the Formula Rate Protocols does not comply with FERC precedent and is unjust and unreasonable; and (iv) given its findings, dismissed as moot the complaint as to the *transparency* of O&M Costs.¹⁵ Accordingly, the FERC directed ISO-NE and the PTOs to submit a compliance filing, on or before **February 17, 2025**, “to remove from the Tariff any provisions allowing the assignment of Network Upgrade O&M costs to Interconnection Customers” and directed the PTOs “to revise the Formula Rate Protocols in accordance with [FERC] precedent, including ... the definition of Interested Party in the Formula Rate Protocols as including but not limited to customers under the Tariff, state utility regulatory commissions, consumer advocacy agencies, and state attorneys general.” The FERC stated that the revisions will take effect prospectively, from December 19, 2024.¹⁶ A memo

¹⁰ The rules identified in the *Order to Show Cause* were those that establish the methodology to recover costs associated with interconnection-related upgrades, and the related financial obligations of the PTO or the interconnecting party – in New England, set forth in Article 11.3 of the LGIA, Article 5.2 of the SGIA, and Article 11.3 of the ETU IA, as well as Schedule 11 of the OATT.

¹¹ The NETOs, for purposes of this proceeding, are: Eversource; Central Maine Power Company (“CMP”); The United Illuminating Company (“UI”); New England Power Company (“National Grid”); The Narragansett Electric Company (“RI Energy”); Fitchburg Gas and Electric Light Co. (“Unitil”); and Versant Power (“Versant”).

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

¹³ *RENEW Northeast, Inc. v. ISO New England Inc. and New England Participating Transmission Owners*, 189 FERC ¶ 61,216 (dec. 19, 2024) (“*RENEW O&M Complaint Order*”).

¹⁴ 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.

¹⁵ *Id.* at P 2.

¹⁶ *Id.* at P 3.

from NEPOOL Counsel summarizing in more detail the *RENEW O&M Complaint Order* was circulated to and is posted the webpage for the Transmission Committee. Tariff revisions required in response to the Order will be considered at the Participants Committee's February 6, 2025 meeting (Agenda Item #7). 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).

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

There are four proceedings, long pending before the FERC, in which the TOs' return on equity ("Base ROE") for regional transmission service has been challenged.

- **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*.

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*").

- **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 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

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 ¶ 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 Maine 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.

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-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 Complainant-Aligned Parties (“CAPs”) opposed the TOs’ request and brief. No action was ever taken in response to this activity.

They’re Back As reported at the December 5, 2024 Annual Meeting, the TOs filed, on November 13, 2024, a [Motion](#) to File Supplemental Brief Addressing the Inability of the [FERC]’s MISO Methodology to Satisfy the Mandate of the *Emera Maine* Court in these Cases, the Requirements of Section 206, and the Need to Promote Transmission Investment in New England”. On December 13, 2024, WIRES/EEI supported the TOs Motion,³² and CAPs³³ replied in opposition to the Motion. On December 20, 2024, the TOs filed an answer to

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 Agreeing with the TOs, the WIRES/EEI comments asserted: (i) that the FERC lacks the statutory authority to order refunds outside the 15-month refund period; (ii) the FERC’s claim of remedial authority to correct legal error does not justify retroactive ROE refunds; and (iii) the FERC should accept and give consideration to the NETOs’ supplemental brief and supporting affidavits.

³³ “CAPs” are: the Conn. Pub. Utils. Regulatory Authority (“CT PURA”); the Conn. Office of Consumer Counsel (“CT OCC”); Mass. Mun. Wholesale Elec. Co. (“MMWEC”); NH Elec. Coop. (“NHEC”); the RI Div. of Pub. Utils. and Carriers (“RI Div.”); and Eastern Mass. Consumer-Owned Systems (“EMCOS”), who consist of the Belmont Mun. Light Dept. (“Belmont”); Braintree Elec. Light Dept. (“Braintree”); Concord Mun. Light Plant (“Concord”); Georgetown Mun. Light Dept. (“Georgetown”); Groveland Elec. Light Dept. (“Groveland”); Hingham Mun. Lighting Plant (“Hingham”); Littleton Elec. Light & Water Dept. (“Littleton”); Merrimac Mun. Light Dept. (“Merrimac”); Middleton Elec.

the CAPS' statements concerning the FERC's authority to order refunds for the period from when the FERC issues its order on remand back to October 16, 2014.

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

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

On January 16, 2025, the FERC accepted revisions to the CIP-IROL rate schedule of Essential Power Newington, LLC ("EP Newington") to allow the recovery of **\$356,401** in eligible medium-impact Interconnection Reliability Operating Limits ("IROL") critical infrastructure protection ("CIP") costs ("CIP-IROL Costs") under Schedule 17 of the ISO-NE Tariff that were incurred between July 1, 2023 and June 30, 2024.³⁴ The revisions were accepted effective as of *January 27, 2025*. Unless the January 16 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).

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

On January 17, 2025, the FERC accepted the materials that identify the Installed Capacity Requirement ("ICR"), Local Sourcing Requirements ("LSR"), Maximum Capacity Limits ("MCL"), Hydro Quebec Interconnection Capability Credits ("HQICCs"), and capacity requirement values for the System-Wide and Marginal Reliability Impact Capacity Demand Curves (collectively, the "ICR-Related Values") for the third annual reconfiguration auction ("ARA") for the 2025-26 Capability Year, the second ARA for the 2026-27 Capability Year, and the first ARA for the 2027-28 Capability Year.³⁵ The ICR-Related Values were accepted effective as of *January 21, 2025*. Unless the January 17 order is challenged, this proceeding will be concluded. If you have any questions concerning this matter, please contact Eric Runge (617-345-4735; ekrunge@daypitney.com).

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

On January 15, 2025, the FERC accepted FirstLight Power Management ("FirstLight")'s revised rate schedule to allow FirstLight to recover **\$87,186** in incremental medium impact CIP-IROL Costs incurred between September 16, 2022 and December 31, 2023.³⁶ The revised rate schedule was accepted effective *January 20, 2025*, as requested. Unless the January 17 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).

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

Formal Challenge by MOPA. As previously reported, the Maine Office of the Public Advocate ("MOPA") filed a formal challenge ("MOPA Formal Challenge") to the 2023-24 Annual Update on January 31, 2024.³⁷ MOPA asserted that, (i) with respect to the cost of asset condition projects placed into service in

Light Dept. ("Middleton"); Reading Mun. Light Dept. ("Reading"); Rowley Mun. Lighting Plant ("Rowley"); Taunton Mun. Lighting Plant ("Taunton"); and Wellesley Mun. Light Plant ("Wellesley").

³⁴ *Essential Power Newington, LLC*, Docket No. ER25-588-000 (Jan. 16, 2025) (unpublished letter order).

³⁵ *ISO New England Inc. and New England Power Pool Participants Comm.*, Docket No. ER25-519-000 (Jan. 17, 2025) (unpublished letter order).

³⁶ *FirstLight Power Management LLC*, Docket No. ER25-509-000 (Jan. 15, 2025) (unpublished letter order).

³⁷ 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

2022, Identified TOs³⁸ 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 Advocates³⁹ (who supported MOPA's attempt to discover the information requested in its September 15, 2023 requests and agreed that policies, processes, and procedures related to ACP costs are discoverable pursuant to the Protocols) and Identified TOs (who urged the FERC to reject the MOPA Formal Challenge as baseless and misguided). On March 4, 2024, MOPA answered Identified TOs' comments. Identified TOs answered MOPA's March 4 answer on March 15 (as corrected on March 18, 2024).

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

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

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.

³⁸ "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").

³⁹ For purposes of this proceeding, "Consumer Advocates" are the MA AG, CT OCC, NH OCA, and RI Division.

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

(-029) Global Settlement. On January 16, 2025, the FERC accepted⁴⁰ the unopposed Settlement Agreement and related materials (collectively, the “Global Settlement”) that resolve all remaining/outstanding issues related to the COSA between Constellation Mystic Power, LLC (“Mystic”), Constellation Energy, and ISO-NE.⁴¹ Mystic was directed, on or before **February 18, 2025**, to make a compliance filing with revised tariff records in eTariff format to reflect the FERC’s action in the *Mystic COSA Global Settlement Order*.

Mystic COSA ROE Settlement Agreement (ER25-584; ER24-2804). As previously reported, the FERC approved on November 1, 2024 the unopposed Settlement Agreement that establishes a settled ROE of 9.0%⁴² for the Mystic COSA (“*Mystic ROE Settlement Agreement*”).⁴³ As directed, Mystic submitted on November 27, 2024 a compliance filing with revised tariff records in eTariff format to reflect the FERC’s action in the *Mystic ROE Settlement Order* (ER25-584). The FERC accepted those revised tariff records on January 14, 2025.⁴⁴

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 Filing⁴⁵ remains pending before the FERC. In the Challenge, RENEW asserted that (i) the TOs failed to provide adequate rate input information in the Annual Informational Filing and in the Information Exchange Period under the Interim Formula Rate Protocols regarding inclusion or exclusion of “O&M costs” on Network Upgrades that the TOs directly assign to Interconnection Customers (and thereby failing to demonstrate that such O&M costs are not being double counted in transmission rates); and (ii) the TO’s Interpretation of “Interested Party” to exclude RENEW violated the Interim Formula Rate Protocols. RENEW thus asked that the FERC (a) require the TOs to show the calculation of the annual O&M charges with sources of data inputs and show how such O&M charges are not being double recovered in transmission rates, and (b) determine that an entity 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.

⁴⁰ *Constellation Mystic Power, LLC*, 190 FERC ¶ 61,025 (Jan. 16, 2025) (“*Mystic COSA Global Settlement Order*”).

⁴¹ The Global Settlement affects all matters currently pending before the FERC related to the Mystic COSA and one appeal pending before the United States Court of Appeals for the District of Columbia Circuit (“DC Circuit”). Specifically: The July 10, 2023 comments of the Eastern New England Consumer-Owned Systems (“ENECOS”) in Docket No. ER23-1735-000 are deemed withdrawn; ENECOS’ October 18, 2022 formal challenges to Mystic’s 2022 Informational Filing in Docket No. ER18-1639-000 are deemed withdrawn; and Mystic will seek voluntary dismissal of its petition for review of the FERC’s Dec. 5, 2023 order pending in *Constellation Mystic Power, LLC v. FERC*, No. 24-1077 (D.C. Cir. filed Apr. 3, 2024). The Global Settlement also resolves Mystic’s 2024 information exchange process and obviates the need for Mystic to file the 2024 and 2025 Informational Filings otherwise required by the Mystic COSA.

⁴² 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 Allegheeny Order*”)).

⁴³ *Constellation Mystic Power, LLC*, 189 FERC ¶ 61,091 (Nov. 1, 2024) (“*Mystic ROE Settlement Order*”).

⁴⁴ *Constellation Mystic Power, LLC*, Docket Nos. ER25-584-000 et al., (Jan. 14, 2025) (unpublished letter order).

⁴⁵ 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.

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: Withdrawal from Forward Component of the Winter 2024-25 IEP (Cleary Unit 9) (ER25-707)**

On January 14, 2025, Taunton Municipal Lighting Plant ("TMLP"), Hudson Light & Power Department ("Hudson"), and North Attleboro Electric Light Department ("North Attleboro") (collectively, the "Cleary 9 Participants")⁴⁶ gave notice of their withdrawal of their joint petition for a one-time waiver of the November 1 deadline for rejection by ISO-NE under Market Rule 1 Section III.K.1.1 of the proposed participation by TMLP's Cleary Unit 9 generating unit in the forward component of the Winter 2024-25 Inventoried Energy Program ("IEP"). In the January 14 notice, the Cleary 9 Participants stated that "Cleary Unit 9 has been restored to full operation, and the requested waiver is therefore no longer necessary." This will conclude reporting on this proceeding. If you have any questions concerning this matter, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

- **Canal Marketing Winter 2023/24 IEP Withdrawal Settlement Agreement (ER25-56; ER24-1407)**

On January 29, 2025, the FERC approved the unopposed settlement agreement that resolves all of the issues raised in this proceeding ("Canal IEP Settlement Agreement").⁴⁷ As previously reported, under the Settlement Agreement, CM will refund and repay to ISO-NE the net revenues that it received on behalf of Canal 3 for participating in the IEP for the Winter 2023-2024 period, plus interest. The settlement amount ("Settlement Amount") will consist of a lump sum of **\$1,968,156.08** and an amount of interest to be calculated in accordance with FERC regulations. The time period for calculating that interest will be from January 15, 2024, the midpoint of the IEP 2023-2024 Winter period, until January 29, 2025. Canal Marketing will pay the Settlement Amount to ISO-NE on or before **February 12, 2025**; ISO-NE will have 60 days to distribute the Settlement Amount as appropriate to the average Real-Time Load Obligation for the IEP Winter 2023-2024 period. This will conclude reporting on this matter. If you have any questions concerning this matter, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

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

On August 29, 2024, GDQ ESS LLC ("GDQ ESS") requested a limited waiver of pending *Order 2023* compliance Tariff revisions⁴⁸ to allow it to accept, after August 30, 2024, the SIS results for its facility⁴⁹ and thus to enable its LGIA to benefit from the proposed Late-Stage SIS Process and for it to be refunded its deposits

⁴⁶ TMLP is the owner and operator of the Cleary Unit 9 electric generating resource (which is composed of generating units 9A and 9S). Hudson and North Attleboro have entitlements to the capacity of Cleary Unit 9 of 4.55% and 9.09%, respectively.

⁴⁷ *Canal Marketing LLC*, 190 FERC ¶ 61,055 (Jan. 29, 2025) ("*Canal IEP Settlement Order*").

⁴⁸ 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").

⁴⁹ 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.

associated with participation in the Transitional Cluster Study.⁵⁰ On September 6, ISO-NE protested the waiver request asserting that GDQ ESS does not meet the FERC's standard for granting waivers. NEPOOL and Calpine intervened. There has been no activity in this proceeding since the last Report. The GDQ ESS waiver request remains pending before the FERC. If you have any questions concerning this matter, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

IV. OATT Amendments / TOAs / Coordination Agreements

- **GMP Attachment F Appendix A PBOP Collections Report (ER25-1114)**

On January 31, 2025, Green Mountain Power ("GMP") filed a report identifying planned collection activity related to the over recovery of post-retirement benefits other than pensions ("PBOP") under Appendix A to Attachment F to the ISO-NE OATT. The report was required to be filed with the FERC because the absolute value of the over-recovery exceeds the threshold identified in OATT Attachment F.⁵¹ No changes to the filed rate were sought. The report shows an over-recovery, after interest, of **\$105,873**. If accepted, the PBOP figures will be used in GMP's 2025 Annual Updates. Comments on this filing are due on or before **February 21, 2025**. If you have any questions concerning this proceeding, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

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

On November 12, 2024, ISO-NE and NEPOOL jointly filed proposed revisions to Attachments C and Q of the OATT. The revisions to Attachment C are to conform to the requirements established by Order 881.⁵² The revisions to Attachment Q address the use of Ambient Adjusted Ratings at ISO-NE's seams. An effective date of July 12, 2025 was requested. Comments on this filing were due on or before December 3, 2024; none were filed. Calpine and National Grid intervened doc-lessly. On December 10, 2024, ISO-NE supplemented the record by identifying an error in the eTariff effective date requested as part of the November 12 filing. The supplement confirmed that the effective date requested is July 12, 2025. This matter is pending before the FERC. If you have any questions concerning this proceeding, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

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

On January 21, 2025, the FERC accepted the November 22, 2024 report by New England Power ("NEP") that identified planned collection activity related to the over recovery after interest of **\$2,852,101** of PBOP under Appendix A to Attachment F to the ISO-NE OATT.⁵³ The PBOP figures will be used in NEP's 2025 Annual Updates. Unless the January 21 order is challenged, this proceeding will be concluded. If you have any questions concerning this proceeding, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

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

Still pending before the FERC are the (i) proposed Tariff revisions in response to the requirements of *Orders 2023* and *2023-A ("Order 2023 Compliance Revisions")* and Tariff revisions to harmonize the SGIP, ETU Interconnection Procedures ("ETUIP"), and Regional Transmission Service rules with the contemporaneously-filed *Order 2023 Compliance Revisions ("Order 2023 Related Changes")*. The *Order 2023 Compliance Revisions* adopt most of the required *pro forma* OATT changes, with some regional variations to recognize certain existing features

⁵⁰ 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.

⁵¹ A Report is required when "the absolute value of [(Cumulative Under/(Over) Recovery, including Current Year interest)] is greater than \$100,000 and the absolute value of [(Cumulative Under/(Over) recovery, including Current Year interest, as a percent of transmission-related PBOP expense)] is greater than 20%. See ISO-NE OATT, Attachment F, Appendix A, Worksheet 9, Note (j).

⁵² *Managing Transmission Line Ratings*, Order No. 881, 177 FERC ¶ 61,179 (Dec. 16, 2021) ("*Order 881*").

⁵³ *ISO New England Inc.*, Docket No. ER25-510-000 (Jan. 21, 2025) (unpublished letter order).

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 Forward Capacity Market (“FCM”) participation, and a unified treatment of all ISO interconnection requests, including those for small generators and Elective Transmission Upgrades (“ETU”) (filed in ER24-2007).⁵⁴ The *Order 2023 Related Changes* were filed concurrently as they may be considered to be beyond the scope of the compliance obligations.⁵⁵ The filing parties requested an effective date of August 12, 2024 for the *Order 2023 Compliance Revisions* and that the FERC issue an order for the *Order 2023 Related Changes* concurrently with its order on the *Order 2023 Compliance Revisions* and that the *Order 2023 Related Changes* become effective on the same date as the *Order 2023 Compliance Revisions*.

Comments on these filings were due on or before June 4, 2024, and were filed by [BlueWave](#), [Glenvale](#), [New Leaf](#), [RENEW](#), [Clean Energy Associations](#),⁵⁶ and [Longroad Energy Holdings](#). Calpine, Clearway, Constellation, National Grid, NESCOE, RIE, Shell Energy/Savion, MA DPU, and Cordelio Services intervened doc-lessly. On June 20, 2024, ISO-NE answered the June 4 comments. On July 5, [Glenvale](#) and [Longroad Energy](#) answered [ISO-NE’s Jun 20 Answer](#). On July 19, [ISO-NE](#) answered [Glenvale’s](#) and [Longroad Energy’s](#) further July 5 answers. Since the last Report, on August 5, [Longroad Energy](#) answered ISO-NE’s July 19 answer (again advocating for why ISO-NE should be required to accept surety bonds for CETU Participation Deposits, as it asserts is required for all commercial readiness deposits per *Order 2023*) (“Additional Answer”). [ISO-NE](#) answered Longroad’s August 5 Additional Answer on August 7. On September 30, 2024, [Allco](#) intervened out-of-time and protested this filing (asserting that the new proposed ISO-NE practices “will strike a crushing blow to small distributed solar between 1 MW and 5 MW” by “imposing knee-buckling interconnection fees and costs and a crushing interconnection process”). On October 18, 2024, ISO-NE answered the Allco protest, and Allco answered ISO-NE’s October 18 answer on October 24, 2024. Allco supplemented its October 24 answer on November 12, ISO-NE answer Allco’s November 12 supplement on November 13, and Allco answered ISO-NE November 18 answer. In a related matter, a separate complaint filed by Allco (see EL25-43 above), making many of the same points as laid out in its out-of-time protest and comments, is pending before the FERC.

As previously reported, [NESCOE](#), in a November 25, 2024, urged the FERC to act swiftly on the region’s *Order 2023* compliance proposal (“NESCOE Letter”). Since the last Report, on January 15, 2025, then FERC Chairman Phillips issued a response to the NESCOE Letter. However, the *Order 2023 Compliance Revisions* and *Related Changes* remain pending before the FERC. If you have any questions concerning this matter, please contact Eric Runge (617-345-4735; ekrunge@daypitney.com).

⁵⁴ The *Order 2023 Related Changes*, which propose changes to aspects of the Tariff impacted by the *Order 2023 Compliance Revisions*, but that may be considered to be beyond the scope of the *Order 2023* compliance requirements, include: (i) revisions to the pro forma SGIP beyond those explicitly required in *Order 2023/2023-A* to align the Small Generator Interconnection Procedures (“SGIP”) with the Large Generator Interconnection Procedures (“LGIP”) and include Small Generating Facilities in the new Cluster Study Process; (ii) revisions to the ETUIP to ensure it remains aligned with the LGIP and include ETUs in the Cluster Study Process; and (iii) revisions to Study Procedures for Regional Network Service Requests and Through or Out Service Requests to require that System Impact Studies related to Regional Transmission Service requests take place in the Cluster Study incorporated as part of the Cluster Study Process.

⁵⁵ The *Order 2023 Related Changes* include: (i) revisions to the pro forma SGIP beyond those explicitly required in *Order 2023/2023-A* to align the Small Generator Interconnection Procedures (“SGIP”) with the Large Generator Interconnection Procedures (“LGIP”) and include Small Generating Facilities in the new Cluster Study Process; (ii) revisions to the ETUIP to ensure it remains aligned with the LGIP and include ETUs in the Cluster Study Process; and (iii) revisions to Study Procedures for Regional Network Service Requests and Through or Out Service Requests to require that System Impact Studies related to Regional Transmission Service requests take place in the Cluster Study incorporated as part of the Cluster Study Process.

⁵⁶ “Clean Energy Associations” are, collectively, AEU, ACPA, Natural Resources Defense Council (“NRDC”), and SEIA.

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

On November 22, 2024, ISO-NE, the Asset Owners,⁵⁷ and the Schedule 20A Service Providers⁵⁸ jointly submitted their compliance filing to address the sole directive in the June 15, 2023 *Phase I/II HVDC-TF Order 881 Compliance Order*⁵⁹ to provide implementation details regarding the calculation and submittal timeframes for the ambient-adjusted ratings (“AARs”) required by *Order 881*. Comments on that filing were due on or before December 13, 2024; none were filed. The *Order 881* compliance filings are pending before the FERC. If you have any questions concerning these matters, please contact Eric Runge (617-345-4735; ekrunge@daypitney.com).

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

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

V. Financial Assurance/Billing Policy Amendments

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

On January 31, 2025, the FERC accepted ISO-NE proposed Financial Assurance Policy (“FAP”) revisions for Participants that are determined not to have adequate corporate liquidity relative to potential obligations that may be incurred under the pay for performance (“PFP”) construct of the FCM (the “FAP Revisions”).⁶⁰ As previously reported, beginning with the 2025 – 2026 Capacity Commitment Period (“CCP”), ISO-NE will perform a corporate liquidity assessment on each FCM participant holding a Capacity Supply Obligation (“CSO”) (or its guarantor, if such guarantor is guaranteeing the payment of PFP penalties), to determine its ability to pay potential penalty payment obligations associated with its CSO within the applicable Capacity CCP, over a forward-looking rolling six months. “Low risk” participants will continue to be subject to the current FCM Delivery Financial Assurance methodology; “medium and high risk” participants will be subject to higher collateral requirements (risk adders). The FAP Revisions were accepted effective as of February 1, 2025 (and to be implemented June 1, 2025), as requested. In accepting the FAP Revisions, the FERC (i) agreed with ISO-NE that the FAP Revisions do not violate the filed rate doctrine “because the FAP Revisions will only have a prospective effect as they address future financial assurance requirements associated with risks of non-performance penalties that will occur after the requested effective date;”⁶¹ (ii) found that the FAP Revisions “do not alter the legal consequences of obtaining CSOs in prior auctions and that acceptance of this filing, including ISO-NE’s proposed effective date of February 1, 2025 is not prohibited by the filed rate doctrine;”⁶² and (iii) given the important benefits expected to result, found this case “distinguishable from those [cases] where the Commission was reluctant to disrupt settled expectations.”⁶³ Unless the *FAP Revisions Order* is challenged, with any challenges due on or before **March 3, 2025**, this proceeding will be

⁵⁷ The “Asset Owners” are, collectively: New England Hydro-Transmission Elec. Co., Inc.; New England Hydro-Transmission Corp.; New England Elec. Transmission Corp.; and Vermont Elec. Transmission Co.

⁵⁸ The “Schedule 20A Service Providers” are the public utilities that provide transmission service under Schedule 20A to the ISO-NE OATT.

⁵⁹ *ISO New England Inc.*, 183 FERC ¶ 61,179 (June 15, 2023) (“*Phase I/II HVDC-TF Order 881 Compliance Order*”).

⁶⁰ *ISO New England Inc.*, 190 FERC ¶ 61,063 (Jan. 31, 2025) (“*FAP Revisions Order*”).

⁶¹ *Id.* at P 32.

⁶² *Id.* at P 33.

⁶³ *Id.* at P 35.

concluded. If you have any questions concerning this proceeding, please contact Rosendo Garza (860-275-0660; rgarza@daypitney.com).

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

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

On January 16, 2025, the FERC accepted revisions to Schedule 21-RIE (“RIE Revisions”) to, among other things: (i) clarify the function of the meter surcharge calculation contained in Attachment OCC, Exhibit 3; (ii) align the exhibit numbers with the corresponding excel spreadsheet titles in Attachment OCC, Exhibits 4 and 5; (iii) add a definition for “Primary Revenue Credit” to Attachment RR, Exhibit 1; (iv) amend the definition for “Primary Related Accumulated Deferred Income Taxes” contained in Attachment RR, Exhibit 1; (v) revise Attachment OCC Exhibit 4 to include ISO-NE expenses in Line 6; and (vi) amending Attachment RR, Exhibit 2, to clarify the function of the (Excess)/Deficient Accumulated Deferred Income Tax (“ADIT”) calculation.⁶⁴ The RIE Revisions were accepted effective as of *January 1, 2025*, as requested. Unless the January 16, 2025 order is challenged, this proceeding will be concluded. If you have any questions concerning this proceeding, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

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

On October 30, 2024, GMP submitted a notice of cancellation of the Network Integration Transmission Service Agreement and Local Operating Agreement (“NITSA”) with the Village of Hardwick Electric Department (“Hardwick”) filed under Schedule 21-GMP. GMP reported that, as of June 30, 2024, Hardwick is no longer taking service pursuant to the NITSA. GMP requested that the FERC grant waiver of its notice requirement⁶⁵ to the extent necessary to permit a requested June 30, 2024 effective date. Comments on this filing were due on or before November 20, 2024; none were filed. As of the date of this Report, the FERC has not acted on this filing. If you have any questions concerning this proceeding, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

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

On September 4, 2024, as corrected on October 28, 2024,⁶⁶ ISO-NE and CMP filed a revised LGIA with Andro Hydro to clarify the relationship between Andro Hydro (Interconnection Customer) and JGT2 Redevelopment LLC (“JGT2”), the owner of a closed paper mill located on Andro Hydro’s side of the interconnection, and the status of the Interconnection Facilities governed by the LGIA. While the LGIA is based on the Schedule 22 *pro forma* LGIA, it contains limited revisions that are necessary given the Large Generating Facility’s unique interconnection to the system, including the interconnection of its facility through shared facilities co-owned, and used by, JGT2 Redevelopment LLC to serve its own load,⁶⁷ thus making it non-conforming and requiring it to be filed with the FERC. The Parties requested an August 8, 2024 effective date (the date on which all of the parties to the LGIA executed the agreement). Initial comments on the LGIA filing were due on or before September 25, 2024; none were filed. With the correction filed on October 28, a

⁶⁴ *ISO New England Inc.*, Docket Nos. ER25-347-000 and -001 (Jan. 16, 2025) (unpublished letter order).

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

⁶⁶ The October 28 filing corrects an administrative error that resulted in the redlined and clean versions of the LGIA being inconsistent with one another. A corrected version of the LGIA was being submitted and noticed for public comment.

⁶⁷ The original non-conforming LGIA was filed in Docket No. ER24-1477. Reporting on that docket has concluded as the Filing Parties indicated that filing will be withdrawn upon action on this instant filing. Details concerning Docket No. ER24-1477 can be found in the last Report.

second comment period was established, with any comments due on or before November 18, 2024; no comments were submitted by the second comment deadline.

Deficiency Letter. On December 27, 2024, the FERC issued a deficiency letter requesting additional information required to process the filing. Specifically, ISO-NE was directed to explain in detail why the proposed revisions to the *pro forma* LGIA are necessary deviations, identifying any specific reliability concerns, novel legal issues, or other unique factors that make the non-conforming language necessary.⁶⁸ The response to the Deficiency Letter was due and filed on January 27, 2025. Comments on the Deficiency Letter response are due on or before **February 18, 2025**.

If you have any questions concerning this proceeding, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

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

As previously reported, the FERC accepted for filing a LSA by and among Versant, ISO-NE, NE Renewable Power, and Jonesboro, LLC (“Jonesboro”), effective *December 4, 2023*, but denied waiver of the FERC’s 60-day prior notice requirement for the filing.⁶⁹ The FERC found that the Filing Parties did not make the required showing of extraordinary circumstances to warrant waiver of the prior filing requirement. Accordingly, the FERC directed the Filing Parties (i) to refund the time value of revenues collected for the time period the rate was collected without FERC authorization, with refunds limited so as not to cause Filing Parties to operate at a loss (“Time Value Refunds”); and (ii) to file a refund report, including information supporting calculation of the Time Value Refunds.

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

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

As previously reported, ISO-NE and New England Power (“National Grid”, and together with ISO-NE, the “Filing Parties”) filed on September 11, 2023, a 20-year LSA by and among National Grid, ISO-NE and Green Mountain Power (“GMP”).⁷⁰ 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 requirement⁷¹ to the extent necessary to permit a requested October 21, 2022 effective date. The LSA was filed separately given that requested effective date. Similar to the Versant/Jonesboro proceeding (*see* ER24-24 above), the FERC accepted the National Grid/GMP LSA for filing, effective

⁶⁸ A transmission provider seeking a case-by-case specific deviation from a *pro forma* interconnection agreement bears a high burden, and it must explain what makes the interconnection unique and what operational concerns or other reasons necessitate each non-conforming provision. *See Order 2023* at P 15 (citing *PJM Interconnection, L.L.C.*, 111 FERC ¶ 61,098, at P 9 (2005)); *Order 2003-B* at P 140 (“each Transmission Provider submitting a non-conforming agreement for Commission approval must explain its justification for each nonconforming provision”).

⁶⁹ *ISO New England Inc.*, Docket No. ER24-24-000 (Nov. 30, 2023) (unpublished letter order).

⁷⁰ The LSA was designated as Service Agreement No. TSA-NEP-114 under the ISO-NE OATT.

⁷¹ 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.

November 11, 2023, but denied waiver of the FERC's 60-day prior notice requirement for the filing.⁷² 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.

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").⁷³ 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.⁷⁴ On August 29, 2023, Versant submitted a Refund Report detailing the Time Value Refunds it paid to Black Bear Hydro Partners, LLC and Black Bear SO, LLC on August 18, 2023. Comments on the Refund Report were due on or before September 19, 2023; none were filed. The Refund Report remains pending before the FERC. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

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

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

VII. NEPOOL Agreement/Participants Agreement Amendments

No Activities to Report

⁷² *ISO New England Inc.*, Docket No. ER23-2804-000 (Nov. 7, 2023) (unpublished letter order).

⁷³ *ISO New England Inc.*, Docket No. ER23-2035-000 (July 28, 2023) ("*Versant Black Bear LSAs Order*").

⁷⁴ 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.

VIII. Regional Reports⁷⁵

- **Transmission Projects Annual Informational Filing (ER13-193)**

On January 31, 2025, ISO-NE filed, as required under Section 4.1(j)(iii) of the OATT, its annual informational filing of projects on the Regional System Plan (“RSP”) project list that had a year of need three years or less from the completion of the Needs Assessment. The list of prior year designations is maintained on the ISO-NE website at <https://www.iso-ne.com/search?query=Prior%20Year%20List%20of%20Projects%20Designated%20to%20the%20PTOs>. This filing will not be noticed for public comment by the FERC.

- **LFTR Implementation: 65th Quarterly Status Report (ER07-476)**

ISO-NE filed the 65th of its quarterly status reports regarding LFTR implementation on January 15, 2025. ISO-NE reported that it implemented monthly reconfiguration auctions (accepted in ER12-2122) beginning with the month of October 2019. ISO-NE further reported that, while it will continue to evaluate its as-filed LFTR design and financial assurance issues, including an ongoing evaluation of the FTR market and risk associated with FTRs and LFTRs, it is currently focused on higher priority market-design initiatives. ISO-NE concluded its report by describing the 18-month implementation that would be required once the LFTR financial assurance issues are resolved. These status reports are not noticed for public comment.

IX. Membership Filings

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

- **Feb 2025 Membership Filing (ER25-1122)**

On January 31, 2025, NEPOOL requested that the FERC accept: (i) the following Applicants’ memberships in NEPOOL as of February 1, 2025: Five Elements Energy Northeast LLC and Five Elements Energy II LLC (Supplier Sector); and Three Rivers Solar Power, LLC (AR Sector, RG Sub-Sector, Large AR RG Group Seat); (ii) the termination of the Participant status of: Trailstone Renewables, LLC [Related Person to Engelhart CTP (US) LLC (Supplier Sector)] (Jan 1, 2025); Syncarpha North Adams, LLC [Related Person to Marie’s Way (AR Sector, RG Sub-Sector, Large RG Group Seat)] (Jan 1, 2025); and Precept Power, LLC (Supplier Sector); and (iii) the names changes of: Collins Hydro, LLC (f/k/a Dichotomy Collins Hydro LLC); and Engelhart CTP Marketing, LLC (f/k/a TrailStone Energy Marketing, LLC). Comments on this filing are due on or before **February 21, 2025**.

- **Jan 2025 Membership Filing (ER25-841)**

On December 31, 2024, NEPOOL requested that the FERC accept: (i) the following Applicants’ memberships in NEPOOL as of January 1, 2025: All Choice Energy NE LLC (Supplier Sector); Karbone Energy LLC (Supplier Sector); and The Metropolitan District (Publicly Owned Entity Sector); and (ii) the termination of the Participant status of: TrueLight Commodities, LLC (Supplier Sector) (Dec 1, 2024); Blueprint Power Technologies LLC [Related Person to BP Energy (Supplier Sector)] (Jan 1, 2025); and Sunrun Inc. (AR Sector, DG Sub-Sector) (Jan 1, 2025).

⁷⁵ 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.

X. Misc. - ERO Rules, Filings; Reliability Standards⁷⁶

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).

- **Reliability Standards: BAL-007-1 and TOP-003-7 (RD25-5)**

On January 6, 2025, NERC filed for approval a proposed new Reliability Standard BAL-007-1 (Near-Term Energy Reliability Assessments), revisions to TOP-003-7 (Transmission Operator and Balancing Authority Data and Information Specification and Collection) and proposed definitions of “Energy Reliability Assessment” (“ERA”) and “Near-Term Energy Reliability Assessment” (“Near-Term ERA”) for inclusion in the *Glossary of Terms* used in NERC Reliability Standards. NERC also requested approval of the associated Implementation Plan, Violation Risk Factors (“VRFs”) and Violation Severity Levels (“VSLs”), and the retirement of currently-effective Reliability Standard TOP-003-6.1. NERC states that these changes are to help address the reliability risks associated with inconsistent output from various energy resources, which, coincident with unassured deliverability of fuel supplies and volatility in load, can result in insufficient amounts of energy available from the Bulk-Power System (“BPS”) needed to serve electrical Demand, maintain sufficient Operating Reserve, and ensure the reliable operation of the BPS.⁷⁷ Comments on this filing are due on or before **February 5, 2025**. Thus far, doc-less interventions have been filed by Ameren, Calpine and Public Citizen.

- **Reliability Standard: TPL-008-1 (RD25-4)**

On December 17, 2024, NERC filed for approval, in response to the requirements of *Order 896*,⁷⁸ a proposed new Reliability Standard TPL-008-1 (Transmission System Planning Performance Requirements for Extreme Temperature Events) and a proposed definition of “Extreme Temperature Assessment” for inclusion in the *Glossary of Terms*. NERC also requested approval of the associated Implementation Plan, VRFs and VSLs. NERC states that the new Reliability Standard is intended to improve how the entities responsible for planning for the reliable operation of the North American interconnected transmission systems plan for the wide-area impacts of extreme heat and cold temperature events, particularly when their systems are facing unexpectedly high demand. Comments on this filing were due on or before January 17, 2025; none were filed. Ameren, Calpine and Public Citizen intervened doc-lessly. This matter is pending before the FERC.

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

On November 4, 2024, NERC filed for approval, in response to the requirements of *Order 901*,⁷⁹ revisions to Reliability Standard PRC-030-1 (Unexpected Inverter-Based Resource Event Mitigation) to require Generator Owners to identify, analyze, and mitigate Inverter-Based Resources (“IBR”) performance issues. NERC stated that “PRC-030-1 addresses the need for Corrective Action Plans to reduce poor IBR ride-through performance from exacerbating system disturbances, as demonstrated by multiple event reports of the last decade, while providing a reasonable period for entities to develop and implement new processes to meet the new requirements.” Comments on this filing were due on or before December 4, 2024; none were filed. Calpine, Dominion,

⁷⁶ 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.*).

⁷⁷ To address the risks, proposed BAL-007-1 would require Balancing Authorities to (1) perform ERAs in the operations planning time horizon to identify possible Energy Emergencies, and (2) develop and implement Operating Plans to minimize the risks of any forecasted Energy Emergency identified in the ERA. The TOP-003 modifications are designed to provide Balancing Authorities with the ability to collect the data necessary to perform such assessments.

⁷⁸ *Transmission System Planning Performance Requirements for Extreme Weather*, Order No. 896, 183 FERC ¶ 61,191 (2023) (“*Order 896*”).

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

⁷⁹ *Reliability Standards to Address Inverter-Based Resources*, Order No. 901, 185 FERC ¶ 61,042 at P 229 (2023) (“*Order 901*”).

Eversource, ACPA, North Carolina Electric Membership Corporation (“NCEMC”), Orsted Wind, and the Solar Energy Industries Association intervened doc-lessly. This matter is pending before the FERC.

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

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

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

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

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

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

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

On November 4, 2024, NERC filed for approval, in response to the requirements of *Order 901*, revisions to Reliability Standards PRC-029-1 and PRC-029-4, as well as a proposed change to the Glossary definition of “Ride-through” to establish voltage and frequency ride-through criteria for Generator Owners of IBRs to continue to inject current and perform voltage support during a BPS disturbance and prohibit momentary cessation in the no-trip zone during disturbances. On December 19, 2024, the FERC issued a NOPR proposing to approve the Reliability Standards.⁸⁰ Comments on the IBR Frequency and Ride-Through Reliability Standards NOPR are due **March 24, 2025**.⁸¹ Thus far, the UnFrack FERC Coalition submitted comments, and interventions were filed by UCS, the KY AG, PJM IMM, Indiana Utility Regulatory Commission, and Sunflower Electric Power Corporation.

- **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,⁸² as well as 18 new or revised definitions for inclusion in NERC’s Glossary,⁸³ to facilitate the full

⁸⁰ *Reliability Standards for Frequency and Voltage Protection Settings and Ride-Through for Inverter-Based Resources*, 189 FERC ¶ 61,212 (Dec. 19, 2024) (“*IBR Frequency and Ride-Through Reliability Standards NOPR*”).

⁸¹ The *IBR Frequency and Ride-Through Reliability Standards NOPR* was published in the *Fed. Reg.* on Jan. 21, 2025 (Vol. 90, No. 12) pp. 6,845-79,804.

⁸² 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).

⁸³ 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

implementation of virtualization and to address the risks associated with virtualized environments. The proposed CIP Reliability Standards would permit Responsible Entities with more “traditional” architecture to continue with their current configurations. As of the date of this Report, the FERC still has not yet noticed a proposed rulemaking proceeding or otherwise invited public comment.

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

On September 19, 2024, the FERC issued a NOPR⁸⁴ proposing to approve Reliability Standard CIP-015-1 (Cyber Security – Internal Network Security Monitoring) and to direct that NERC develop certain modifications to CIP-015-1 to extend internal network security monitoring (“INSM”) to include electronic access control or monitoring systems and physical access control systems outside of the electronic security perimeter. Comments on the NOPR were filed by [NERC](#), [NESCOE](#), the [IRC](#), [APPA](#), and [Open Policy](#). This matter is pending before the FERC.

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

Also on September 19, 2024, the FERC issued a NOPR proposing to direct NERC to develop and submit for FERC approval new or modified Reliability Standards that address the sufficiency of responsible entities’ supply chain risk management plans related to the identification of, assessment of, and response to supply chain risks, and applicability of Reliability Standards’ supply chain protections to protected cyber assets.⁸⁵ Comments on the NOPR were due on or before December 2, 2024⁸⁶ and were filed by, among others: [NERC and its Regional Entities](#), [NESCOE](#), [BPA](#), [APPA/LPPC](#), [EEL](#), [North American Transmission Forum](#), [National Electrical Manufacturers Association](#), and [Secure the Grid](#). On December 16, 2024, [TAPS](#) filed comments supporting the APPA/LPPC comments. This matter is pending before the FERC.

XI. Misc. - of Regional Interest

- **203 Application: Plus Power/TWG Global (EC25-28)**

On January 31, 2025, the FERC approved the transfer of managerial control over the Plus Power MBR Entities⁸⁷ to TWG Global Holdings, LLC (“TWG Global”). A notice of consummation must be filed within 10 days of the date of consummation (which as of the date of this Report has not been filed). If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

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

On January 24, 2025, Shell filed a notice of consummation advising the FERC that, as authorized,⁸⁸ it completed its indirect acquisition of 100% of the ownership interests in Rhode Island State Energy Center, LP (“RISEC”) from investment fund vehicles managed/advised by The Carlyle Group on January 23, 2025. Accordingly, RISEC is now a Related Person to Shell and its Related Persons. This concludes reporting on this matter. If you

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”).

⁸⁴ *Critical Infrastructure Protection Reliability Standard CIP-015-1 – Cyber Security – Internal Network Security Monitoring*, 188 FERC ¶ 61,175 (Sep. 19, 2024) (“*CIP-015 INSM NOPR*”).

⁸⁵ *Supply Chain Risk Management Reliability Standards Revisions*, 188 FERC ¶ 61,174 (Sep. 19, 2024) (“*Supply Chain Risk Standards NOPR*”).

⁸⁶ The *Supply Chain Risk Standards NOPR* was published in the *Fed. Reg.* on Oct. 1, 2024 (Vol. 89, No. 190) pp. 79,794-79,804.

⁸⁷ “Plus Power MBR Applicants” include Energy Storage Resources, a voting member in the AR Sector’s Distributed Generation Sub-Sector, and two Entities whose applications have been conditionally approved for membership -- Cranberry Point Energy Storage and Cross Town Energy Storage.

⁸⁸ *Rhode Island State Energy Center, LP and Shell Energy North America (US), L.P.*, 190 FERC ¶ 62,010 (Jan. 7, 2025).

have any final questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

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

On January 6, 2025, Q-Generation consummated its FERC-authorized acquisition⁸⁹ 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.⁹⁰ As a result of the acquisition, the ISO-NE Companies⁹¹ are no longer Related Persons to The Carlyle Group and are instead Related Persons to Trafigura Trading LLC (whose upstream parent owns or controls more than 10% of the equity interests in Q-Generation Partners). This concludes reporting on this matter. If you have any final questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **Depreciation Updates to NEP SA 20 (ER25-970)**

On January 17, 2025, New England Power Company d/b/a National Grid (“NEP”), on behalf of itself and its affiliate Massachusetts Electric Company (“MECO”), filed updates to the depreciation rates set forth in Service Agreement No. 20 among NEP, MECO, and Nantucket Electric (“SA No. 20”) under NEP’s FERC Electric Tariff, Second Revised Volume No. 1 (“Tariff No. 1”). NEP asked that the updated depreciation rates take effect as of October 1, 2024, and be reflected in transmission rates in NEP’s upcoming 2025 Annual True-Up filing reconciling actual monthly billings under Tariff No. 1 for calendar year 2024. Comments on this filing are due on or before **February 7, 2025**. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **SGIA Termination Notice: Bantam Station (ER25-906)**

On January 10, 2025, ISO-NE and CL&P submitted a notice of the termination of the Small Generator Interconnection Agreement (“SGIA”) with Bantam Station, an approximately 0.3 MW, one unit, conventional hydroelectric generating facility located on the Bantam River in Litchfield, Connecticut.⁹² Bantam Station, which was constructed in 1945 and continuously interconnected to CL&P and its predecessors, was retired on January 12, 2024, as a result of having not operated commercially for three calendar years. A March 11, 2025 effective date was requested for each notice. Comments on this filing were due on or before January 31, 2025; none were filed. This matter is pending before the FERC. If you have any questions concerning this termination notice, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **CL&P/BPUS Agreements Cancellation Notices (ER25-870 and ER25-869)**

On January 7, 2025, CL&P submitted notice of cancellation for two agreements with BPUS Generation Development LLC (“BPUS”) – an Engineering and Design Agreement (ER25-870) and an Engineering and Test Agreement (ER25-869). CL&P stated that it has completed all work pursuant to each of the Agreements and reconciliation of billings is complete. A January 8, 2025 effective date was requested for each notice. Comments on these filings were due on or before January 28, 2025; none were filed. This matter is pending before the FERC. If you have any questions concerning either of these notices, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

- **Rate Incentive: National Grid portion of Power Up Project (NGPUP) (ER25-866)**

On January 6, 2025, National Grid requested approval of an Abandoned Plant Incentive in connection with transmission upgrades that it plans to construct as part of the Power Up New England Project (“Power Up

⁸⁹ *Bridgeport Energy LLC et al.*, 189 FERC 61,129 (Nov. 21, 2024).

⁹⁰ See Notice of Consummation, *Bridgeport Energy LLC, et al.*, Docket No. EC24-114-000 (Jan. 14, 2025).

⁹¹ “ISO-NE Companies” include: Nautilus Power, Bridgeport Energy LLC; Essential Power Massachusetts, LLC; Essential Power Newington, LLC; Rumford Power LLC; and Tiverton Power LLC.

⁹² The SGIA was designated as SGIA-ISONE/NU-06-01 under Schedule 23 of the ISO-NE OATT.

Project”).⁹³ National Grid’s portion of the Power Up Project (or “NGPUP”) is designed to provide congestion relief enabling 2,400 MW of simultaneous power injection capacity at Brayton Point in coastal Massachusetts. NGPUP is being constructed as an Elective Transmission Upgrade (“ETU”) under the Tariff. National Grid requested a March 7, 2025 effective date for the Abandoned Plant Incentive. Comments on the NGPUP Abandoned Plant Incentive request were due on or before January 27, 2025 and were filed by NESCOE, MA DOER and Public Systems.⁹⁴ MA AG and MA DPU intervened doc-less only. 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).

- **Rate Incentives: CL&P portion of Power Up Project (Huntsbrook Junction Project) (ER25-747)**

On December 18, 2024, CL&P requested approval of an Abandoned Plant Incentive and, “out of an abundance of caution and to the extent necessary” an RTO Participation Incentive (together, the “Huntsbrook Junction Incentives”) in connection with its portion of the Power Up Project – CL&P’s Huntsbrook Junction project (the “Huntsbrook Project”). The Huntsbrook Project is a new 345 kV switching station at the Huntsbrook Junction in eastern Connecticut that will enable the interconnection of up to 2,400 MW of offshore wind. The Huntsbrook Project has a projected in-service date of December 2031. Comments on the Huntsbrook Project were due on or before January 8, 2025, and were filed by NESCOE, the MA DOER, and out-of-time by Public Systems (not challenging approval of the Huntsbrook Junction Incentives, but stating that they are relying on the protections that the FERC imposes as conditions to such incentives, including specifically identifying some of things that they will rely on the FERC to take into account in any filing to recover the costs of the Incentives).⁹⁵ A doc-less intervention only was filed by the MA AG. 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).

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

On August 30, 2024, UI filed a new Wholesale Distribution Access Tariff (“WDAT”) to provide for UI’s recovery of costs associated with the provision of Wholesale Distribution Service (“WDS”) to customers who own front-of-the-meter (“FTM”), distribution-connected battery energy storage systems (“BESS”) connected to UI’s distribution systems and participate in the ISO-NE markets. The proposed Wholesale Distribution Tariff will enable UI to provide the WDS necessary to facilitate BESS resources’ participation in the ISO-NE markets via distribution facilities owned by UI, consistent with FERC *Orders 841* and *2222* and Connecticut’s ESS Program.⁹⁶ An October 30, 2024 effective date was requested. Comments on the UI WDAT were due on or before September 20, 2024. Supportive comments and were filed by [ACT](#) (but requesting clarifications, supporting data, and additional information as to how UI proposes to measure and bill for demand-related charges when a BESS is providing ancillary services in response to ISO-NE dispatch instructions) and [Elevate Renewable F7, LLC](#) (but offering proposed clarifications to improve customer understanding). Interventions were filed by Agilitas, Eversource, and New Leaf. On October 7, 2024, UI answered the comments submitted by ACT and Elevate.

Deficiency Letter. On October 29, 2024, the FERC issued a deficiency letter, seeking additional information required to process this filing, including information regarding the workpapers provided and an explanation as to how UI intends to apply the WDAT’s terms and conditions to distribution customers that take

⁹³ The total estimated cost of the transmission portion of the Power Up Project is approximately \$898 million, of which \$389 million will be funded through a DOE grant under DOE’s Grid Resilience and Innovation Partnership (“GRIP”) program.

⁹⁴ “Public Systems” for purposes of this proceeding are: CMEEC, MMWEC, and VPPSA.

⁹⁵ For purposes of this proceeding, “Public Systems” are CMEEC, MMWEC and VPPSA.

⁹⁶ 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>.

service thereunder. UI filed its responses to the deficiency letter on November 27, 2024. Comments on UI's deficiency letter responses were due on or before December 18, 2024; none were filed.

WDAT Accepted. On January 24, 2025, the FERC accepted the WDAT, effective as of *October 30, 2024*, as requested.⁹⁷ Challenges, if any, are due on or before **February 23, 2025**. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

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

Many have found interesting an order issued by the FERC rejecting, in a 2-1 decision,⁹⁸ an amended Interconnection Service Agreement (“ISA”) among PJM, PPL (the interconnected TO) and Susquehanna Nuclear (the interconnection customer).⁹⁹ The amended ISA, covering the interconnection of Sesquehana’s 2,520 MW nuclear facility, proposed modifications to increase the amount of co-located load from 300 MW to 480 MW and to make revisions related to the treatment of the co-located load.¹⁰⁰

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

FERC largely agreed with the concerns raised, and rejected PJM’s filing without prejudice, ruling that PJM had not provided sufficient justification for the proposed changes to the ISA (i.e. that the proposed non-conforming provisions in the Amended ISA were necessary deviations from the *pro forma* ISA due to specific reliability concerns, novel legal issues, or other unique factors.)¹⁰¹ It is notable that on the same day the *Susquehanna Co-Located Load Order* was issued, the FERC convened its technical conference on Large Loads Co-Located at Generating Facilities (AD24-11). Challenges to the *Susquehanna Co-Located Load Order* were due on or before December 2, 2024. Susquehanna Nuclear requested rehearing and Vistra requested clarification of the *Susquehanna Co-Located Load Order*. On December 16, 2024, Exelon and AEP answered Susquehanna’s request for rehearing. On December 23, 2024, the FERC issued an “Allegheny Notice”, noting that the requests for rehearing and/or clarification may be deemed to have been denied by operation of law, but noting that the requests will be addressed in a future order.¹⁰² If you have any questions concerning this matter, please contact or Sebastian Lombardi (860-275-0663; slombardi@daypitney.com) or Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

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

On August 16, 2024, National Grid filed two new Wholesale Distribution Tariffs (one for Massachusetts Electric Company (ER24-2796); the other for Nantucket Electric Company (ER24-2795), together the “WDTs”) to

⁹⁷ *The United Illuminating Co.*, 190 FERC ¶ 61,042 (Jan. 24, 2025).

⁹⁸ Commissioners Christie and See in favor, Chairman Phillips dissenting, and Commissioners Chang and Rosner not participating.

⁹⁹ PJM Interconnection, L.L.C., 189 FERC ¶ 61,078 (Nov. 1, 2024) (“*Susquehanna Co-Located Load Order*”).

¹⁰⁰ Co-located load refers to end-use customer load that is physically connected to the facilities of an existing or planned customer facility at the point of interconnection to the PJM transmission system. In March, Talen announced the sale of its 960 MW Cumulus data center campus in northeast Pennsylvania to Amazon Web Services (“AWS”), with a long-term agreement to provide power from its Susquehanna plant. The Cumulus campus is directly connected to the two-unit nuclear power plant.

¹⁰¹ *Id.* at P 85.

¹⁰² *PJM Interconnection L.L.C.*, 189 FERC ¶ 62,132 (Dec. 23, 2024) (“*Susquehanna Co-Located Load Order Allegheny Notice*”).

provide for National Grid's recovery of costs associated with the provision of Wholesale Distribution Service to customers who own qualifying standalone electric energy storage systems connected to National Grid's distribution system and who charge those resources via deliveries over National Grid's distribution system for purposes of making wholesale sales through the ISO-NE markets. The proposed WDTs will enable National Grid to provide the services necessary to facilitate ESS resources' participation in the ISO-NE markets via distribution facilities owned by National Grid, consistent with FERC *Order 841* and the Massachusetts Clean Energy Act. A March 1, 2025 effective date was requested. Comments on these Tariffs were due on or before September 6, 2024. Protests and comments were filed by the MA AG and the Alliance for Climate Transition ("ACT") (formerly known as the Northeast Clean Energy Council). Agilitas, BlueWave, Engie, Eversource, New Leaf, MA DPU, and MA DOER intervened. On September 23, 2024, National Grid answered the ACT and MA AG comments. On October 4, 2024, ACT answered National Grid's September 23 answer.

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

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

On January 16, 2025, the FERC accepted in part Versant Power's MPD OATT Order 2023 Compliance filing, effective January 1, 2025.¹⁰³ The FERC found that Versant Power's filing partially complies with the requirements of *Orders 2023* and *2023-A*, and directed Versant Power to submit a further compliance filing on or before **March 17, 2025** that (i) adopts without modification section 4.4.3.1 of the *pro forma* LGIP or demonstrates how the omission of this section satisfies the consistent with or superior to standard; and (ii) incorporates additional revisions to the FERC's *pro forma* LGIP, *pro forma* LGIA, and *pro forma* SGIA made in the FERC's August 20, 2024 Errata Notice.¹⁰⁴ 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").¹⁰⁵ 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.¹⁰⁶ 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

¹⁰³ *Versant Power*, 190 FERC ¶ 61,021 (Jan. 16, 2025).

¹⁰⁴ Errata Notice, *Improvements to Generator Interconnection Procedures and Agreements*, 188 FERC ¶ 61,134 (Aug. 20, 2024) ("Errata Notice").

¹⁰⁵ *Central Maine Power Co.*, 187 FERC ¶ 61,002 (Apr. 1, 2024) ("*CMP ESF Rate Order*").

¹⁰⁶ *Id.* at P 29.

refund and hearing and settlement judge procedures.¹⁰⁷ 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.¹⁰⁸ There have been four settlement conferences (May 3, July 17, September 19, and December 10-11, 2024). Judge Hessler's fifth status report, issued on January 23, 2025, recommended that settlement judge procedures continue. If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

XII. Misc. - Administrative & Rulemaking Proceedings¹⁰⁹

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

On November 1, 2024, the FERC held a Commissioner-led technical conference to explore whether co-located loads require the provision of wholesale transmission or ancillary services, related cost allocation issues, and potential resource adequacy, reliability, affordability, market, and customer impacts. The agenda consisted of 3 panels: Overview of Large Co-Located Load Issues (Panel 1); Exploration of Issues Presented by Large Co-Located Loads (Panel 2); and Roundtable with State Representatives (Panel 3). The list of panelists was included in the third and fourth supplemental notices of the technical conference, issued October 10 and 22, respectively. Speaker statements have been posted to eLibrary. A [recording of the technical conference](#) is available from the FERC's Calendar of Events. The FERC invited post-technical conference comments to be submitted on or before December 9, 2024. Comments were filed by, among others, [AEU](#), [Calpine](#), [Constellation](#), [Dominion](#), [Vistra](#), [Potomac Economics](#), [ACORE](#), [ACPA](#), [Clean Energy Buyers Association](#), [Data Center Coalition](#), [EPSA](#), [LS Power](#), [NY State Reliability Council](#), [Organization of PJM States](#), [PJM IMM](#), [Industrial Energy Consumers of America](#), [Joint Public Service Parties](#), [NRECA](#), [SEIA](#). Since the last Report, comments were filed by [National Grid Renewables Development](#) and [Advocates for Consumer Regulated Electricity](#). A final transcript of the conference was posted to eLibrary on December 3, 2024.

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

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

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

On September 10-11, 2024, the FERC held a workshop for the presentation and discussion of opportunities for further innovation and increased efficiency in the generator interconnection process. The three September 10 panels addressed: Integrated Transmission Planning and Generator Interconnection, Exploring

¹⁰⁷ *Id.*

¹⁰⁸ *Central Maine Power Co.*, Docket No. ER24-1177-000 (Apr. 5, 2024) (unpublished letter order).

¹⁰⁹ Reporting on the following administrative proceedings have been suspended and will be continued if and when there is new activity to report: ACPA Petition for Capacity Accreditation Technical Conference (AD23-10); and Reliability Technical Conference (AD23-9).

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

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

On November 12, 2024, the Federal and State Current Issues Collaborative ("Collaborative")¹¹⁰ held its first public meeting in Anaheim, California. The agenda for the first public meeting included a presentation on NARUC's Gas-Electric Alignment for Reliability ("GEAR") Taskforce. On December 4, 2024, the FERC issued a notice inviting all interested persons to file, on or before January 3, 2025, post-meeting comments to address issues raised during the meeting. Comments were filed by [AGA](#), [ConEd](#), [National Grid](#), and [NRG](#). Since the last Report, reply comments were filed by [INGAA](#) and [ODEC](#). A final transcript of the meeting was also posted on December 4, 2024.

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

On June 27, 2024, the FERC issued an advanced notice of proposed rulemaking ("ANOPR")¹¹¹ seeking comments on both the need for a dynamic line ratings ("DLRs")¹¹² requirement and proposed framework of DLR reforms to improve the accuracy of transmission line ratings. Proposed reforms would require transmission providers to implement, on all transmission lines, DLRs that reflect solar heating, based on the sun's position and forecastable cloud cover, and on certain transmission lines, DLRs that reflect forecasts of wind speed and wind direction. The FERC seeks comments about whether to reflect hourly solar conditions and wind conditions in all transmission line ratings, how transmission congestion levels and environmental factors could identify locations of transmission lines that would most benefit from DLR, and what other technical details of transmission line ratings reflect wind conditions. A more detailed summary of the ANOPR was provided to and reviewed with the Transmission Committee. Comments in response to the ANOPR were due October 15, 2024¹¹³ and were filed by nearly 70 parties, including by the following New England parties: [ISO-NE](#), [AEU](#), [Avangrid](#), [Dominion](#), [Eversource](#), [MA AG](#), [National Grid](#), [NESCOE](#), [NextEra](#) (on October 22), [EEI](#), [EPSA](#), [NASUCA](#), [NERC](#), [PIOs](#), [Public Power](#),¹¹⁴ [TAPS](#),

¹¹⁰ *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 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.

¹¹¹ *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.

¹¹² 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.

¹¹³ The ANOPR was published in the *Fed. Reg.* on July 15, 2024 (Vol. 89, No. 135) pp. 57,690-57,716.

¹¹⁴ "Public Power" is: The National Rural Elec. Coop. Assoc. ("NRECA"), the American Public Power Assoc. ("APPA"), and the Large Public Power Council ("LPPC").

and [R Street Institute](#). Nine sets of reply comments were filed, including from: [ISO-NE](#), [DC Energy](#), and the [US DOE](#).

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

On October 19, 2023, the FERC issued a NOPR¹¹⁵ 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/EPISA, 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](#), [EPISA](#), [Interstate Gas Supply](#), [Macquarie](#), [PG&E](#), [Systrends](#), [Tri-State](#), [XBRL US](#). This matter remains pending before the FERC.

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

On October 17, 2024, the FERC issued *Order 904*,¹¹⁶ which revises Schedule 2 of the *pro forma* OATT, § 9.6.3 of the *pro form* LGIA, and § 1.8.2 of the *pro forma* SGIA to prohibit separate compensation to generators for the provision of reactive power within the standard power factor range or “deadband.”¹¹⁷ The proposed change will affect revenues received by reactive power resources in New England.¹¹⁸ Although compliance filings are due on or before **March 28, 2025**,¹¹⁹ and must generally include a proposed effective date within 90 days from the date of the compliance filing, *Order 904* expressly states that ISO-NE may request a later effective date for the FERC’s consideration, in order to allow any necessary market rule changes that accommodate *Order 904*’s elimination of compensation for the provision of reactive power within the standard power factor range to be developed and proposed.¹²⁰ A summary of *Order 904* was provided to the Transmission Committee. Challenges to *Order 904* were filed by: [D. E. Shaw Renewable Investments](#), [Invenergy Nelson](#), [NYISO](#), the [PSEG Companies](#),¹²¹ and [Vistra](#). On December 19, 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.¹²² If you have any questions concerning this matter, please contact Pat Gerity (pmgerity@daypitney.com; 860-275-0533).

¹¹⁵ *Revisions to the Filing Process and Data Collection for the Electric Quarterly Report*, 185 FERC ¶ 61,043 (Oct. 19, 2023) (“*EQR NOPR*”).

¹¹⁶ *Compensation for Reactive Power Within the Standard Power Factor Range*, Order No. 904, 189 FERC ¶ 61,034 (Oct. 17, 2024) (“*Order 904*”).

¹¹⁷ *Reactive Power NOPR* PP 51-53.

¹¹⁸ Generating facilities in New England are currently compensated for reactive power under a flat, inflation-adjusted rate design. In *Order 904*, the FERC rejected the requests by ISO-NE and NEPOOL for the flexibility to retain the current Schedule 2.

¹¹⁹ *Order 904* will become effective on Jan. 27, 2025. *Order 904* was published in Fed. Reg. on Nov. 26, 2024 (Vol. 89, No. 228) pp. 93,410-93,456.

¹²⁰ *Order 904* at P 224. “With any such request, [ISO-NE] must affirmatively demonstrate why such a requested effective date is necessary, given, for example, its existing market rules, and what market rule changes [ISO-NE] believes may be needed to accommodate [*Order 904*].”

¹²¹ The “PSEG Companies” are: Public Service Electric and Gas Co., PSEG Power LLC, and PSEG Energy Resources & Trade LLC, each wholly-owned, direct or indirect subsidiaries of Public Service Enterprise Group Inc.

¹²² *Compensation for Reactive Power Within the Standard Power Factor Range*, 189 FERC ¶ 62,127 (Dec. 19, 2024) (“*Order 904 Allegheny Notice*”).

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

On May 13, 2023, the FERC issued *Order 1920*,¹²³ 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*,¹²⁴ 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.

Order 1920 took effect on *August 12, 2024*.¹²⁵ 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.

Order 1920-A. In response to requests for clarification and/or rehearing of *Order 1920*, the FERC issued its order on rehearing and clarification (*Order 1920-A*) on November 21, 2024.¹²⁶ In *Order 1920-A*, the FERC stated that it was refining and improving Long-Term Regional Transmission Planning (“LTRTP”) “by building on the reforms adopted in Order No. 1920, with a particular focus on ensuring that states have a robust role” in LTRTP and cost allocation processes established in *Order 1920*. *Order 1920-A* largely sustained and further justified the findings and reforms of *Order 1920*, but granted several requests for rehearing and clarification. A significant focus of the modifications to *Order 1920* pertained to the role of the states in LTRTP and the related cost

¹²³ *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection*, 187 FERC ¶ 61,068 (May 13, 2024) (“*Order 1920*”).

¹²⁴ *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection*, 179 FERC ¶ 61,028 (Apr. 21, 2022) (“*Transmission NOPR*”).

¹²⁵ *Order 1920* was published in the Fed. Reg. on Jun. 11, 2024 (Vol. 89, No. 113) pp. 49,280-49,586.

¹²⁶ *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, Order on Reh’g, Order No. 1920-A, 189 FERC ¶ 61,126 (Nov. 21, 2024) (“*Order 1920-A*”). Over 50 parties filed requests for clarification and/or rehearing, including requests by: [AEU](#), [Dominion](#), [Invenergy](#), [NESCOE](#) (with [VT PUC](#) supporting), [Versant](#), [APPA](#), [EEI](#), [Large Public Power Council](#), [NARUC](#), [NRECA](#), [TAPS](#), [WIRES](#), [Consumer Advocates](#), and [Harvard Electricity Institute](#).

allocation requirements. *Order 1920-A* maintained the **June 12, 2025** compliance filing deadline for regional requirements¹²⁷ and the **August 12, 2025** deadline for interregional requirements. Any deviations from the final rule proposed on compliance must be justified under the “consistent with or superior to” standard. A memorandum providing a brief summary of the more important features of *Order 1920-A*, including a list and more detailed summary of the key modifications and clarifications made by the FERC in *Order 1920-A* was provided by NEPOOL Counsel to the Transmission Committee (and can be found [here](#)).

Order 1920-A Requests for Rehearing. Requests for clarification and/or rehearing of *Order 1920-A* were filed by West Connect TOs,¹²⁸ MISO TOs,¹²⁹ PJM TOs,¹³⁰ EEI, NRECA, SWEPSCO, and WIRES. Those requests are pending, with FERC action required by **January 12, 2025** or the requests will be deemed denied by operation of law.

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

New England Motion for Extension of Time. Since the last Report, ISO-NE, NESCOE and the PTO AC requested (i) an extension of time for New England’s *Order 1920* regional compliance filing deadline from June 12, 2025, to June 14, 2027; (ii) an extension of the interregional compliance filing deadline from Aug 12, 2025, to Jun 14, 2027; and (iii) an adjustment to the implementation deadline for regional and interregional transmission plans from “two years from the date on which initial filings to comply with Order No. 1920 are due,” to four months from the date that the FERC issues an initial order accepting ISO-NE’s regional and interregional compliance filings (the “New England Request”). On February 5, 2025, Public Interest Organizations (“PIOs”)¹³¹ submitted comments addressing the January 15 New England Request.

¹²⁷ MISO requested and was granted a one-year extension of time (to June 12, 2026) to submit its compliance filing (except for those related to interregional transmission coordination). Notice of Extension of Time, *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, Docket No. ER21-17-000 (Dec. 10, 2024).

¹²⁸ “West Connect Coordinating TOs” are non-jurisdictional members of the WestConnect regional planning organization and include: Colorado Springs Utils., Imperial Irrigation District, Los Angeles Department of Water and Power, Platte River Power Authority, Sacramento Mun. Util. District, Salt River Project Agr. Improvement and Power District, and the Transmission Agency of N. California.

¹²⁹ “MISO TOs” are AEP Indiana Michigan Trans. Co., Ameren Srvc. Co., as agent for Union Elec. Co. d/b/a Ameren Missouri, Ameren Illinois Co. d/b/a Ameren Illinois and Ameren Trans. Co. of Illinois; American Trans. Co.; Big Rivers Elec. Corp.; Central Minnesota Mun. Power Agency; City Water, Light & Power (Springfield, IL); Cleco Power LLC; Dairyland Power Coop.; Duke Energy Business Srvc. for Duke Energy Indiana; Great River Energy; Hoosier Energy Rural Elec. Coop.; Indiana Municipal Power Agency; Indianapolis Power & Light Co. d/b/a AES Indiana; Lafayette Utils. Sys.; MidAmerican Energy Co.; Minnesota Power (and its subsidiary Superior Water, L&P); Missouri River Energy Srvc.; Montana-Dakota Utils. Co.; Northern Indiana Pub. Srvc. Co.; Northern States Power Co., a Minnesota corp., and Northern States Power Co., a Wisconsin corp., subsidiaries of Xcel Energy Inc.; Northwestern Wisconsin Elec. Co.; Otter Tail Power Co.; Prairie Power; Southern Illinois Power Coop.; Southern Indiana Gas & Elec. Co. (d/b/a CenterPoint Energy Indiana South); Southern Minnesota Mun. Power Agency; Wabash Valley Power Assoc.; and Wolverine Power Supply Coop.

¹³⁰ “PJM TOs” include: American Elec. Power Srvc. Corp. on behalf of its affiliates, Appalachian Power Co., Indiana Michigan Power Co., Kentucky Power Co., Kingsport Power Co., Ohio Power Co., Wheeling Power Co., AEP Appalachian Trans. Co., AEP Indiana Michigan Trans. Co., AEP Kentucky Trans. Co., AEP Ohio Trans. Co., and AEP West Virginia Trans. Co.; Dayton Power and Light Co. d/b/a AES Ohio; Dominion Energy Srvc. on behalf of Virginia Elec. and Power Co. d/b/a Dominion Energy Virginia; Duke Energy Corp. on behalf of its affiliates Duke Energy Ohio, Duke Energy Kentucky, and Duke Energy Bus. Srvc.; Duquesne Light Co.; East Kentucky Power Coop.; 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 Co., and Potomac Elec. Power Co.; FirstEnergy Srvc. Co., on behalf of its affiliates American Trans. Systems, Jersey Central Power & Light Co., Mid-Atlantic Interstate Trans., West Penn Power Co., The Potomac Edison Co., Monongahela Power Co., Keystone Appalachian Trans. Co., and Trans-Allegheny Interstate Line Co.; PPL Elec. Utils. Corp.; Public Service Elec. and Gas Co.; Rockland Elec. Co.; and UGI Utilities.

¹³¹ “PIOs” are for purposes of this proceeding: Acadia Center, Environmental Defense Fund, Natural Resources Defense Council, Sustainable FERC Project, and the Union of Concerned Scientists.

Inc. (“ISO-NE”), the New England States Committee on Electricity (“NESCOE”), and the Participating Transmission Owners Administrative Committee on behalf of the Participating Transmission Owners (together, “Joint Parties”) The extension requests are pending before the FERC.

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

XIII. FERC Enforcement Proceedings

Electric-Related Enforcement Actions

- **Scrubgrass Stipulation and Consent Agreement (PJM Tariff Violations) (IN24-14)**

On January 30, 2025, the FERC approved a Stipulation and Consent Agreement¹³² with Stronghold Digital Mining Inc. and Scrubgrass Reclamation Company, L.P. (together, the “Scrubgrass”) to resolve OE’s investigation into whether Scrubgrass violated the PJM Tariff by (i) offering its Plant into PJM’s energy markets with EcoMax and EmerMax values that understated the amount of power its Plant was capable of producing and actually did produce; and (ii) buying power from PJM at wholesale rates under the guise of Station Power but not using the power for Station Power; and (iii) by not submitting offers for the Plant’s available capacity. OE determined that Scrubgrass’s actions were inconsistent with the standards, requirements, and directions of the Office of Interconnection and hindered PJM from effectively performing its obligations. Under the Stipulation and Consent Agreement, Scrubgrass agreed to **disgorge \$674,064 in avoided penalties to PJM, plus \$84,690 in interest**; to pay a **\$105,000 penalty** 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).

- **American Efficient Show Cause Order (IN24-2)**

On December 16, 2024, the FERC issued a show cause order¹³³ in which it directed American Efficient, LLC, its various subsidiary companies,¹³⁴ and its corporate parents¹³⁵ (collectively, “American Efficient”) to show cause why they should not be found to have violated (i) Section 222 of the FPA and § 1c.2 of the FERC’s regulations through a manipulative scheme and course of business in PJM and MISO that extracted millions of dollars in capacity payments for a purported energy efficiency project that did not actually cause reductions in energy use;¹³⁶ and (ii) provisions of MISO’s and PJM’s Tariffs for failure to satisfy the tariff requirements for participation as an Energy Efficiency Resource (“EER”).¹³⁷ American Efficient was also directed to show cause why they should not (i) **disgorge \$2,116,057 and \$250,937,821**, back to MISO and PJM, respectively (in each case plus interest); (ii)

¹³² *Stronghold Digital Mining Inc. and Scrubgrass Reclamation Company, L.P.*, 190 FERC ¶ 61,059 (Jan. 30, 2025).

¹³³ *American Efficient, LLC et al.*, 189 FERC ¶ 61,196 (Dec. 16, 2024) (“*American Efficient Show Cause Order*”).

¹³⁴ Affirmed Energy LLC, Wylan Energy L.L.C., Midcontinent Energy LLC, and Maple Energy LLC.

¹³⁵ Modern Energy Group LLC and MIH LLC.

¹³⁶ OE concludes that “[w]hat American Efficient passes off as energy efficiency in its capacity supply offers really is just market research. It buys sales data of energy efficient products from large retailers like The Home Depot, Lowes, and Costco and then figures out how many MWs of electricity would be saved if end-use customers installed those products and used them in accordance with predictive models. It then bids those energy savings into the capacity markets as if it caused the savings. But American Efficient does not cause the energy savings.”

¹³⁷ OE’s Report notes that American Efficient initially cleared 10.6 MWs (worth \$518,000) in an ISO-NE Forward Capacity Auction. When American Efficient sought to expand its Program in ISO-NE from 10.6 MWs to 189 MWs, “ISO-NE and its IMM sent a series of emails and letters critiquing the Program and then disqualified the Company from expanded participation in the FCA. In one of those letters, ISO-NE explained that it never would have qualified any of American Efficient’s capacity if it had understood the true nature of the Program from the beginning.” Similar disqualification occurred in MISO. American Efficient expressly kept information about those disqualifications from PJM and expanded the Program in PJM. No disgorgement with respect to American Efficient’s New England activity is contemplated.

disgorge additional unjust profits received between April 2024 and the date of any future FERC order directing disgorgement back to PJM; and (iii) pay a **\$722 million** civil penalty. American Efficient may seek a modification of these amounts consistent with FPA § 31(d)(4).¹³⁸ American Efficient must file an answer with the FERC on or before **March 17, 2025**; OE staff may reply to American Efficient’s answer within 30 days thereafter. 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 December 5, 2024, the FERC found that Ketchup Caddy, LLC (“Ketchup Caddy”) and Phillip Mango, Ketchup Caddy’s CEO and co-owner (together, “Respondents”) violated FPA § 222, § 1c.2 of the FERC’s regulations, and §§ 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.¹³⁹ The FERC assessed **civil penalties of \$25 million** and **\$1.5 million** to Ketchup Caddy and Mango, respectively, and directed **Mango to disgorge \$506,502, plus interest**, in unjust profits. As previously reported, Enforcement alleged 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.”¹⁴⁰ Mango was directed to disgorge the \$506,502, plus interest within 60 days of the Order. With respect to the civil penalties, both Ketchup Caddy and Mango were directed to make payment within 60 days of the Order, or to submit a proposed payment plan for approval within 30 days of the Order. If you have any questions concerning this matter, please contact Pat Gerity (860-275-0533; pmgerity@daypitney.com).

Natural Gas-Related Enforcement Actions

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

Procedural Schedule Suspended. As previously reported, on May 24, 2022, the Honorable Judge Karen Gren Scholer of the U.S. District Court for the Northern District of Texas (“Northern District”) issued an order staying this proceeding. Consistent with that order and out of an abundance of caution, ALJ Joel DeJesus, who will be the presiding judge for hearings in this matter,¹⁴¹ 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,¹⁴² 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

¹³⁸ Under Section 31(d)(4) of the FPA, 16 U.S.C. § 823b(d)(4), the Commission may “compromise, modify, or remit, with or without conditions, any civil penalty which may be imposed . . . at any time prior to a final decision by the court of appeals . . . or by the district court.”

¹³⁹ *Ketchup Caddy, LLC and Philip Mango*, 189 FERC ¶ 61,176 (Dec. 5, 2024) (“*Ketchup Caddy Penalties Order*”).

¹⁴⁰ *Ketchup Caddy, LLC and Philip Mango*, 186 FERC ¶ 61,132 at P 3 (Feb. 21, 2024) (“*Ketchup Caddy Show Cause Order*”).

¹⁴¹ 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.

¹⁴² *Rover Pipeline, LLC, and Energy Transfer Partners, L.P.*, 183 FERC ¶ 61,190 (June 14, 2023) (“*June 14 Order*”).

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 order¹⁴³ 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,¹⁴⁴ 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;¹⁴⁵ (ii) failing to adequately monitor the right-of-way at the site of the Tuscarawas River HDD operation; and (iii) improperly disposing of inadvertently released drilling mud that was contaminated with diesel fuel and hydraulic oil. The FERC directed Respondents to show why they should not be assessed civil penalties in the amount of **\$40 million**.

On March 21, 2022, Respondents answered and denied the allegations in the *Rover/ETP CPCN Show Cause Order*. On April 20, 2022, OE Staff answered Respondents' March 21 answer. On May 13, Respondents submitted a surreply, reinforcing their position that "there is no factual or legal basis to hold either [Respondent] liable for the intentional wrongdoing of others that is alleged in the Staff Report." The FERC denied Respondents' request for rehearing of the FERC's January 21, 2022 designation notice.¹⁴⁶ This matter is pending before the FERC.

XIV. Natural Gas Proceedings

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

New England Pipeline Proceeding

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

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

- ▶ 125,000 Dth/d of incremental firm transportation service to ConEd and KeySpan by building and operating new natural gas compression and cooling facilities at the sites of four existing Iroquois compressor stations in Connecticut (Brookfield and Milford) and New York (Athens and Dover).
- ▶ Three-year construction project; service now requested for March 25, 2027.
- ▶ On March 25, 2022, after procedural developments summarized in previous Reports, the FERC issued to Iroquois a certificate of public convenience and necessity, authorizing it to construct and operate the proposed facilities.¹⁴⁷ 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

¹⁴³ *Rover Pipeline, LLC, and Energy Transfer Partners, L.P.*, 177 FERC ¶ 61,182 (Dec. 16, 2021) ("*Rover/ETP Tuscarawas River HDD Show Cause Order*").

¹⁴⁴ *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*").

¹⁴⁵ 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.

¹⁴⁶ *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.

¹⁴⁷ *Iroquois Gas Transmission Sys., L.P.*, 178 FERC ¶ 61,200 (2022) ("*Iroquois Certificate Order*").

with the environmental conditions listed in the appendix to the order; and (iv) Iroquois' filing written statements affirming that it has executed firm service agreements for volumes and service terms equivalent to those in its precedent agreements, prior to commencing construction. The March 25, 2022 order also approved, as modified, Iroquois' proposed incremental recourse rate and incremental fuel retention percentages as the initial rates for transportation on the Enhancement by Compression Project.

- ▶ On April 18, 2022, Iroquois accepted the certificate issued in the *Iroquois Certificate Order*.
- ▶ On June 17, 2022, in accordance with the *Iroquois Certificate Order*, Iroquois submitted its Implementation Plan, documenting how it will comply with the FERC's Certificate conditions.
- ▶ On October 28, 2024, Iroquois requested an extension of time, until **March 25, 2027**, to construct and place into service its Enhancement by Compression Project (Project) located in Greene and Dutchess Counties, New York and Fairfield and New Haven Counties, Connecticut as authorized in the *Iroquois Certificate Order*. (The *Iroquois Certificate Order* required Iroquois to complete construction of the Project and make it available for service within three years of the date of the Order or by March 25, 2025.) Iroquois stated that construction of the Project has been delayed due to pending state permit approvals, specifically air permits from the New York State Department of Environmental Conservation and the Connecticut Department of Energy and Environmental Protection. Iroquois asserts that it has been working in good faith with these agencies and expects to receive approvals for the Project in the near future.
- ▶ Comments on Iroquois' request were due on or before November 15, 2024. Protests and comments were filed by the Sierra Club of Connecticut, Save the Sound, and nearly 20 individual citizens. A number of others requested an extension of time to comment, but those requests have not been (nor should be expected to be) acted on by the FERC.¹⁴⁸

XV. State Proceedings & Federal Legislative Proceedings

No Activity to Report

XVI. Federal Courts

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

¹⁴⁸ The FERC will aim to issue an order acting on the request within 45 days. The FERC will address all arguments relating to whether the applicant has demonstrated there is good cause to grant the extension. The FERC will not consider arguments that re-litigate the issuance of the certificate order, including whether the Commission properly found the project to be in the public convenience and necessity and whether the Commission's environmental analysis for the certificate complied with the National Environmental Policy Act ("NEPA").

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

Case Title: *Appalachian Voices v. FERC*

Underlying FERC Proceeding: RM21-17¹⁴⁹

Status: Being Held in Abeyance

As previously reported, on July 18, 2024, AEU/ACPA/SEIA and Invenegy petitioned the DC Circuit Court of Appeals for review of the FERC's *Order 1920*.¹⁵⁰ Petitions were also filed in the First, Second, Fourth, Fifth, Sixth, Seventh, Ninth, and Eleventh Circuits. The Judicial Panel on Multidistrict Litigation randomly selected the Fourth Circuit as the Circuit in which to consolidate the petitions for review. The DC Circuit ordered that its cases be transferred to the 4th Circuit. The 4th Circuit lead case no. is 24-1650. On August 26, 2024, the 4th Circuit granted the FERC's motion to hold the petitions for review in abeyance, with motions to govern due January 6, 2025. On January 6, 2025, the FERC moved to extend abeyance, including deferral of all filing deadlines, until the earlier of the date it issues a substantive response to pending rehearing requests, or **April 30, 2025**. The parties would file motion(s) to govern further proceedings by 21 days thereafter. On January 7, 2025, Indicated Petitioners¹⁵¹ provided a response which, while not opposing the FERC's further abeyance request, highlighted their concerns with any further delay beyond the requested abeyance. The FERC's motion is pending before the Court.

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

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

Underlying FERC Proceeding: ER18-1639-028¹⁵²

Status: Being Held in Abeyance

On April 3, 2024, Constellation Mystic Power, LLC petitioned the DC Circuit Court of Appeals for review of the FERC's orders on Mystic's Second CapEx Info Filing. Mystic filed, on May 6, 2024, a Certificate as to Parties, Rulings, and Related Cases, a Docketing Statement, a Statement of Intent to Utilize Deferred Joint Appendix, a Statement of Issues, and the Underlying Decision from which the appeal arose. Appearances and other procedural motions, if any, were also due on or before May 6. Interventions were filed by ISO-NE, NESCOE, and a collective of Massachusetts municipal utilities.¹⁵³ On December 4, 2024, the Court granted Mystic's November 22, 2024 motion for continued abeyance of this case (to allow for FERC action on the Mystic Global Settlement, which, if approved, will lead to voluntary dismissal of this proceeding), directing the parties to file motions to govern future proceedings by **March 10, 2025**.

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

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

Underlying FERC Proceeding: RM22-14¹⁵⁴

Status: Briefing Underway

Several Petitioners have challenged *Orders 2023 and 2023-A*. Those challenges have now been consolidated, with the AEU docket (23-1282) as the lead docket. Initial Submissions and a Certified Index to the Record were filed on August 21, 2024. Joint Petitioners' Briefs were filed on October 30, 2024; Respondent's Brief, on February 5, 2025. The following deadlines remain: Intervenor's for Respondent's Brief (**February 19, 2025**);

¹⁴⁹ *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*").

¹⁵⁰ Petitioners for review of *Order 1920* have also been filed in the 1st, 4th, 5th, and 9th Circuits.

¹⁵¹ "Indicated Petitioners" were Appalachian Voices, Environmental Defense Fund, NRDC, North Carolina Sustainable Energy Assoc., Sierra Club, Southern Alliance for Clean Energy, and South Carolina Coastal Conservation League.

¹⁵² *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*").

¹⁵³ Braintree, Concord, Georgetown, Hingham, Littleton (NH), Middleborough, Middleton, Norwood, Pascoag, Reading, Taunton, Wellesley, and Westfield (collectively, the "Eastern New England Consumer-Owned Systems").

¹⁵⁴ *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).

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 Intervenor's for Respondent's Brief.

- **Order 2222 Compliance Orders (23-1167, 23-1168, 23-1169, 23-1170, 23-1335) (consolidated)**
Case Title: Eversource Energy Service Company v. FERC
Underlying FERC Proceeding: ER22-983¹⁵⁵
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*.¹⁵⁶ On July 3, 2023, the Court consolidated the cases, with Case No. 23-1667 as the lead case. On July 24, 2023, the FERC moved to have the consolidated cases held in abeyance pending the issuance of the Commission's further order on rehearing. The Court granted that motion on July 27, 2023, with the case to be held in abeyance pending further order of the Court. On June 6, 2024, the FERC filed a status report reporting that, on May 23, 2024, the Commission issued its order on rehearing of its November 2023 order in the ER22-983 docket and that, under the Court's February 6 order, the parties had until August 5, 2024 to file motions to govern future proceedings in these consolidated appeals. However, the FERC asked that the Court continue to hold these consolidated petitions for review in abeyance until 90 days after the Commission's issuance of a final order in ER22-983, with parties to file motions to govern future proceedings at the end of the abeyance period. The FERC asked for the additional period of abeyance "because compliance filings in the ER22-983 proceeding remain pending before the Commission, and Commission action on those filings may ultimately result in further petitions for review of ER22-983 orders, or otherwise expand or reduce the issues presented for review". On July 31, 2024, the Court issued an order that these consolidated cases remain in abeyance pending further order of the court. The parties were directed to file motions to govern future proceedings within 90 days of the FERC's issuance of a final order in the ER22-983 proceeding. The FERC was also directed to file status reports at 60-day intervals beginning September 30, 2024. The FERC filed its latest status report on December 3, 2024 stating that its most recent order in ER22-983 (November 19, 2024) is still subject to rehearing and that, until that rehearing period expires, these consolidated appeals should remain in abeyance.

- **CASPR (20-1333, 21-1031) (consolidated)****
Case Title: Sierra Club, et al. v. FERC
Underlying FERC Proceeding: ER18-619¹⁵⁷
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

¹⁵⁵ *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*").

¹⁵⁶ 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.

¹⁵⁷ *ISO New England Inc.*, 162 FERC ¶ 61,205 (Mar. 9, 2018) ("*CASPR Order*").

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

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

- **Opinion 531-A Compliance Filing Undo (20-1329)**
Case Title: Central Maine Power Company, et al. v. FERC
Underlying FERC Proceeding: ER15-414¹⁵⁸
Petitioners: TOs (CMP et al.)
Status: Being Held in Abeyance

On August 28, 2020, the TOs¹⁵⁹ 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*¹⁶⁰ decision. On September 22, 2020, the FERC submitted an unopposed motion to hold this proceeding in abeyance for four months to allow for the Commission to “a future order on petitioners’ request for rehearing of the order challenged in this appeal, and the rate proceeding in which the challenged order was issued remains ongoing before the Commission.” On October 2, 2020, the Court granted the FERC’s motion, and directed the parties to file motions to govern future proceedings in this case by February 2, 2021. On January 25, 2021, the FERC requested that the Court continue to hold this petition for review in abeyance for an additional three months, with parties to file motions to govern future proceedings at the end of that period. The FERC requested continued abeyance because of its intention to issue a future order on petitioners’ request for rehearing of the order challenged in this appeal, and the rate proceeding in which the challenged order was issued remains ongoing before the FERC. Petitioners consented to the requested abeyance. On February 11, 2021, the Court issued an order that that this case remain in abeyance pending further order of the court. On April 21, 2021, the FERC filed an unopposed motion for continued abeyance of this case *because* the Commission intends to issue a future order on Petitioners’ request for rehearing of the challenged *Order Rejecting Compliance Filing*, and because the remand proceeding in which the challenged order was issued remains ongoing.

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

¹⁵⁸ *ISO New England Inc.*, 161 FERC ¶ 61,031 (Oct. 6, 2017) (“*Order Rejecting Filing*”).

¹⁵⁹ 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.

¹⁶⁰ *Emera Maine v. FERC*, 854 F.3d 9 (D.C. Cir. 2017) (“*Emera Maine*”).

- ***Chevron Doctrine (US Supreme Ct 20-1329)***¹⁶¹
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*.¹⁶² *Chevron*, a landmark and often-cited 1984 decision, required courts to defer to a federal agency's reasonable interpretation of ambiguity in a statute.¹⁶³ 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.

¹⁶¹ *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)).

¹⁶² *Id.*

¹⁶³ *Chevron* had established a two-step framework for courts to address ambiguity and gaps in statutes. In step one, a court was required to determine whether Congress had “directly spoken to the precise question at issue” using “traditional tools of statutory construction.” If the courts could not determine a clear congressional intent, in step two, the court was required to assess whether the agency’s interpretation was a “permissible construction of the statute.”

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