

April 7, 2025

Chairman Mark C. Christie
Commissioner Willie L. Phillips
Commissioner David Rosner
Commissioner Lindsay S. See
Commissioner Judy W. Chang

Re: Midcontinent Independent System Operator, Inc. (Docket No. ER25-1674-000)

Dear Chairman Christie and Commissioners:

As former FERC commissioners and chairs, appointed by both Republican and Democratic Presidents, we are writing to express deep concern about a threat to the Federal Energy Regulatory Commission's (FERC's or Commission's) longstanding policy in support of open transmission access. Open access ensures that transmission owners do not discriminate against independently-owned electric generation facilities by giving preferential grid access to utility-owned generation. This concept is the cornerstone of FERC's approach to promoting competitive wholesale markets that has produced significant savings for customers and unleashed countless innovations that have improved reliability, strengthened the economy, and enhanced the customer experience.

On March 17 the Midcontinent Independent System Operator (MISO) filed with the Commission a proposal that MISO claims is intended to ensure resource adequacy and meet large load additions by expediting the interconnection process for certain electric generation facilities. If approved by FERC, MISO's Expedited Resource Addition Study (ERAS) would establish a process separate from MISO's traditional generator interconnection process, that would enable a select group of generators to receive expedited interconnection study treatment.

ERAS presents the opportunity for self-dealing by utilities to advance their affiliated generation. In order to qualify for the ERAS process, a generating facility must either be owned by a load-serving entity or have a power purchase or similar agreement with load to demonstrate that the project will meet a near-term need. However, independent competitive generators are historically unable to finalize offtake terms and arrangements before determining transmission costs during the interconnection queue process, presenting eligibility requirements that are unworkable.

In addition, a Relevant Electric Retail Regulatory Authority (RERRA) -- a state public service commission or self-regulated municipal or cooperative utility -- must review each project seeking ERAS treatment and formally notify MISO that a project should be considered under ERAS. However, ERAS would permit RERRAs to apply their own review criteria, which does not necessarily require independence or the prevention of undue discrimination. If FERC approves ERAS, a RERRA could favor utility-owned projects for access to ERAS and prevent access by competitive generation.

We are troubled by the ERAS proposal because it runs counter to everything FERC has tried to do to preserve open access since the Commission's landmark issuance of Order No. 888. The ERAS approach allows for unduly discriminatory barriers to be erected against third-party competitive generation by presenting grid access terms that are not comparable to utility affiliated generation. In the short term, adoption of ERAS will undermine competition in MISO leading to higher costs for customers. In the long term, approval of proposals like ERAS threatens to reverse FERC's precedent of adhering to open access principles, jeopardizing the benefits of competition.

Each of us recognizes that improvements to the generator interconnection process are needed to address a variety of challenges the regions are facing today. In addition to issuing Order No. 2023, the Commission has over the last year approved expedited generator interconnection procedures for certain projects in CAISO and PJM. While some of us agreed and some disagreed that those changes should have been approved, they were meaningfully different from ERAS, which is not narrowly tailored and allows affiliated generation to receive preferential treatment.

It has been nearly 30 years since FERC first planted the flag of open access when the Commission issued Order No. 888. We have come too far to reverse course now, especially when, as other regions have demonstrated, more narrowly-tailored options to expedite the generator interconnection process for resource adequacy purposes are available.

Thank you for considering our views.

Sincerely,

/s/ James J. Hoecker

James J. Hoecker

Commissioner 1993-1997, Chair 1997-2001

/s/ Pat Wood, III

Pat Wood, III

Chair 2001-2005

/s/ Joseph T. Kelliher

Joseph T. Kelliher

Commissioner 2003-2005, Chair 2005-2009

/s/ Neil Chatterjee

Neil Chatterjee

Chair 2017, Commissioner 2017-2018

Chair 2018-2020, Commissioner 2020-2021

/s/ Donald F. Santa

Donald F. Santa

Commissioner 1993-1997

/s/ Nora Mead Brownell

Nora Mead Brownell

Commissioner 2001-2006

/s/ John R. Norris

John R. Norris

Commissioner 2010-2014

/s/ Rich A. Glick

Rich A. Glick

Commissioner 2017-2021,

Chair 2021-2023