

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

Grid Reliability and Resilience Pricing

Docket No. RM18-1-000

**ANSWER OF  
TRANSMISSION ACCESS POLICY STUDY GROUP  
IN SUPPORT OF  
MOTION FOR EXTENSION OF TIME**

The Transmission Access Policy Study Group (“TAPS”) submits this answer in support of the Energy Industry Associations’<sup>1</sup> Joint Motion for Extension of Time<sup>2</sup> for filing comments on the Notice of Proposed Rulemaking (“NOPR”) issued by the Secretary of Energy and docketed by the Commission in the above-captioned proceeding.<sup>3</sup> As explained in the Energy Industry Associations’ Motion, the abbreviated timeframe for filing comments in this proceeding—twenty-one days for initial comments and fifteen days for reply comments—will hinder the industry’s ability to consider fully the issues and proposal presented in the NOPR and to provide the Commission with meaningful comments. Given the unprecedented nature of the Secretary of Energy’s proposal and the complexity and importance of Regional Transmission Organization

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<sup>1</sup> As explained in the Joint Motion, Energy Industry Associations are: Advanced Energy Economy, American Biogas Council, American Council on Renewable Energy, American Petroleum Institute, American Public Power Association, American Wind Energy Association, Business Council for Sustainable Energy, Electric Power Supply Association, Electricity Consumers Resource Council, Energy Storage Association, Interstate Natural Gas Association of America, National Rural Electric Cooperative Association, Natural Gas Supply Association, and Solar Energy Industries Association.

<sup>2</sup> Joint Motion for Extension of Time and Request for Expedited Treatment of Energy Industry Associations (Oct. 3, 2017), eLibrary No. 20171003-5155 (“Motion”).

<sup>3</sup> U.S. Dept. of Energy, Letter from the Secretary of Energy and Proposal for a NOPR (Sept. 29, 2017), eLibrary No. 20170929-5055; Notice Inviting Comments (Oct. 2, 2017), eLibrary No. 20171002-3039 (“Notice”).

(“RTO”) energy, capacity, and ancillary services markets, TAPS urges the Commission to grant the Energy Industry Associations’ request to extend the comment deadlines to ninety days for initial comments, and forty-five days for reply comments. At a bare minimum, the initial comment period should be no less than the standard sixty-day comment period, with forty-five days for reply comments.

## **I. INTEREST OF TAPS**

TAPS is an association of transmission-dependent utilities (“TDUs”) (whether municipal, cooperative, or investor-owned utilities) in more than thirty-five states, promoting open and non-discriminatory transmission access.<sup>4</sup> Representing Load Serving Entities (“LSEs”) entirely or predominantly dependent on transmission facilities owned and controlled by others, TAPS has long supported Commission initiatives to form independent RTOs to provide non-discriminatory access and foster the robust generation competition needed to enable LSEs to meet their load-serving obligations reliably and affordably.

TAPS members span the continent, serving load in the eastern RTOs, other RTOs, and in non-RTO regions. They own or have long-term bilateral contracts for the full range of resources, including coal, nuclear, gas, hydro, wind, and solar, reflecting commitments made over decades in accordance with local and state laws and policies. TAPS member municipal and cooperative utilities retain an obligation to serve—even in states that eliminated that obligation for investor-owned utilities. TAPS members have an interest in ensuring that RTO markets respect their traditional, state-authorized

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<sup>4</sup> David Geschwind, Southern Minnesota Municipal Power Agency, chairs TAPS’s Board, and Jane Cirrincione, Northern California Power Agency, is Vice Chair. John Twitty is TAPS Executive Director.

business model by recognizing the resource adequacy contribution of self-supply commitments, as well as other state policies.

## **II. COMMUNICATIONS**

Communications regarding this proceeding should be directed to:

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## **III. ANSWER**

TAPS supports the Energy Industry Associations' Motion to extend the comment periods in this proceeding. Extending the comment deadlines is necessary to provide interested stakeholders, including TAPS, with a meaningful opportunity to analyze and develop comments on the NOPR. Particularly in the context of a rulemaking as significant as the sweeping changes to wholesale electricity market pricing proposed in the NOPR, TAPS and other trade associations play an important role in presenting the viewpoints of a broad base of stakeholders to the Commission. Conferring with a diverse membership and developing a joint position, however, takes time.

Truncating the rulemaking process as outlined in the Notice incorrectly elevates speed over substance and will unquestionably hinder stakeholders' ability to offer the Commission meaningful input on and analyses of the NOPR, undermining the fundamental value afforded by notice and comment rulemaking. Nothing in Section 403(b) of the Department of Energy Organization Act, 42 U.S.C. § 7173(b),

requires that the Commission compromise its rulemaking processes in this manner; indeed, it envisions that any rulemaking time limits be reasonable. Given the potential impacts of the NOPR on the nation's consumers, as well as our economic well-being, the Energy Industry Associations' request for an extension of the comment deadlines should be granted.

#### **IV. CONCLUSION**

For the forgoing reasons, TAPS urges the Commission to grant the Energy Industry Associations' Motion and extend the deadlines to comment on the NOPR to ninety days for initial comments and forty-five days for reply comments. At a bare minimum, the initial comment period should be no less the standard sixty-day comment period, with forty-five days for reply comments.

Respectfully submitted,

*/s/ Cynthia S. Bogorad*

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October 4, 2017

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the foregoing document to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated on this 4th day of October, 2017.

/s/ Amber L. Martin  
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