

July 12, 2013

VIA ELECTRONIC MAIL

The Honorable Jon Wellinghoff, Chairman
The Honorable Philip D. Moeller, Commissioner
The Honorable John R. Norris, Commissioner
The Honorable Cheryl A. LaFleur, Commissioner
The Honorable Tony Clark, Commissioner
Federal Energy Regulatory Commission
888 First Street N.E.
Washington, D.C. 20426

Re: Docket No. RM13-18, Petition of WIRES for Statement of Policy and
June 2013 Edison Electric Institute Report on Transmission Rates of Return on Equity

Dear Chairman and Commissioners:

In June 2013, the Edison Electric Institute (“EEI”) released a report entitled “Transmission Investment—Adequate Returns and Regulatory Certainty Are Key” (“EEI Report”). Subsequently, WIRES (the “Working group for Investment in Reliable and Economic Electric Systems”) filed on June 26, 2013, a petition seeking to have the Commission issue a Statement of Policy on base return on equity (“ROE”) allowances for transmission investment. Both EEI and WIRES argue that even though interest rates have declined substantially since the beginning of the recession in 2008, this Commission should not reduce the current ROE allowances for transmission investment included in the regulated rates that public utilities charge for transmission services.¹ The public utility commissions, industrial electric customers, public power systems, rural electric cooperatives, state consumer advocates and associated trade associations, nonprofit consumer advocacy organizations, and environmental organizations signing this letter (“Joint Signatories”) respond briefly below to these contentions, and in particular to certain of the points EEI makes in its Report.

Our primary message is simple—the Commission should continue to scrutinize public utilities’ transmission rates to ensure that all elements, including ROE allowances, remain just and reasonable in light of changing economic conditions and factors, as the Federal Power Act² requires. The FPA allows public utilities to earn a return sufficient to attract capital from investors; it does not require the continued payment of ROE allowances that are unduly high given changed economic conditions, simply because at some point in the past, the Commission

¹ The WIRES Petition (Docket No. RM13-18-000) asks the Commission, if it grants the Petition, to take “official notice” of the EEI Report. Petition at 12 & n.13.

² 16 U.S.C. §§ 791a-828c (“FPA”).

found such an ROE just and reasonable under then-prevailing circumstances.³ The Commission also should not abandon the Discounted Cash Flow (“DCF”) methodology it now uses to determine ROE allowances just because it no longer produces the same ROE awards that it did prior to 2008. Economic conditions throughout the Nation (if not the world) have fundamentally changed since that time. In the past five years, electric consumers have suffered through decreased employment, shrinking paychecks, home foreclosures, and myriad other economic losses. Industrial consumers also have faced extraordinary economic challenges, including decreased demand and aggressive foreign competition. EEI’s arguments that its members’ high pre-2008 ROE allowances cannot be reduced without disappointing investors must be weighed against these hard facts.

Among the erroneous points made in the EEI Report are the following:

- EEI (Report at 2) sees “no link between record low interest rates and investors’ expected return on transmission investment.” This bald statement stretches credulity. Investors survey the variety of investments available to them, their relative risk and their associated potential returns. Because very low-risk interest-bearing investments are part of that array, investors will look at the associated interest rates for such investments and rank other investment options accordingly. Hence, if interest rates are low, then other investments will be more attractive at lower rates of return than if interest rates were higher. Many of today’s high ROEs exist precisely because the Commission took account of past interest rates by applying its longstanding policy linking final updated ROEs to yields on 10-year treasuries. If interest rates and ROEs are linked when interest rates rise, then they are linked when interest rates fall.
- EEI claims (Report at 14) that “[e]lectric utilities do not compete just with other electric utilities for capital; they also compete with companies from other sectors of the economy,” and expresses concern that absent sufficiently “robust” returns, investors may flee to “more attractive and less risky” alternatives. Report at 7. EEI fails to acknowledge that electric utility access to capital is enhanced because utility stocks are considered generally less risky, less volatile, and more dividend-paying than non-utility issues.⁴ Utility equities will likely continue to be considered a safer class of investment,

³ Under the seminal case law, a utility rate of return should be sufficient to: (1) maintain the financial integrity of the enterprise; (2) enable the company to attract new capital; and (3) provide a return to the common equity owner that is commensurate with returns on investments in other enterprises of corresponding risk. *Federal Power Commission v. Hope Natural Gas Company*, 320 U.S. 591, 603 (1944) (“*Hope*”); *Bluefield Water Works and Improvement Company v. Public Service Commission of West Virginia*, 262 U.S. 679, 692-93 (1923) (“*Bluefield*”). EEI’s contentions (Report at 5) aside, investors are not guaranteed ROEs that must remain unchanged over the life of an investment. As the Supreme Court stated in *Bluefield*, “[a] rate of return may be reasonable at one time and become too high or too low by changes affecting opportunities for investment, the money market and business conditions generally.” *Bluefield*, 262 U.S. at 693.

⁴ Paul E. Debbas, Value Line, Industry Analysis: Electric Utilities, available at http://www.valueline.com/Stocks/Industry_Report.aspx?id=7239. For example, electric power sector stocks outperformed overall markets in the wake of Standard & Poor’s Ratings downgrade of the US government. Paul Carlsen, *S&P’s Government Cut Impacts Some Utility Debt But*

as regulated utilities are given the opportunity to recover their costs and earn a “fair and reasonable” return on their investment.⁵ As a result, investors are generally willing to accept a lower return on equity for utility stocks than in some other sectors, *e.g.*, tech stocks or start-ups.

- EEI further asserts (Report at 2) that the premise upon which historical transmission investments were made was “stable returns over the asset lives of the facilities.” As applied to equity investments, this statement makes little sense. Investors seeking an investment with a stable return over the life of a long-lived asset such as transmission facilities usually invest in bonds, which by definition carry a stable return. Investors in stock, even the stocks of regulated companies, must accept the possibility that returns may vary over time.⁶ EEI was not heard arguing for recovery of past rather than current capital costs when ROEs were rising, and even now it is not proposing a moratorium on ROE increase filings. Its call for “stability” is therefore nothing more than a call to make rate regulation a one-way street.
- EEI repeatedly asserts that transmission investments are “extremely risky” (see EEI Report at pages 1, 7-8) and cites this as a reason for retaining high ROE awards even in the face of reduced interest rates. But rating agencies, investment analysts, investors, and some transmission owners themselves plainly do not share that view; setting aside positions taken before FERC, one will search in vain for a real-world investment document that characterizes rate base, cost-plus transmission as anything other than an exceptionally safe investment. Few businesses are as risk-free as that of selling access to essential facilities at cost-plus prices, typically through non-bypassable formula rates that, in effect, collect the allowed revenue requirement as an unavoidable tax.
- In its very subtitle, the EEI Report purports to seek “Regulatory Certainty.” In fact, however, EEI is seeking to re-litigate the Statement of Policy that the Commission issued just last year.⁷ The Commission therein both reaffirmed that it will, in appropriate cases, grant transmission rate incentives to reduce the risk of transmission projects, and dialed

Sector Stocks Outperform Volatile Markets, Electric Utility Week, August 15, 2011, at 13; *S. Cal. Edison Co.*, 131 FERC ¶ 61,020 at P 89 (2010), *reh’g denied*, 137 FERC ¶ 61,016 (2011), *aff’d in part and remanded in part on other grounds*, No. 11-1471, 2013 WL 1920937 (D.C. Cir. May 10, 2013).

⁵ Value Line, What is a Defensive Stock? (April 8, 2012), *available at* <http://www.valueline.com/Stocks/Commentary.aspx?id=12866> (explaining that mature industries tend to fare better in contraction and noting that utilities are often deemed safe havens).

⁶ As noted above, the Supreme Court even stated in *Bluefield* that, “[a] rate of return may be reasonable at one time and become too high or too low by changes affecting opportunities for investment, the money market and business conditions generally.” *Bluefield*, 262 U.S. at 693. This is as true today as it was in 1923.

⁷ “Policy Statement,” *Promoting Transmission Investment Through Pricing Reform*, Docket No. RM11-26-000 (Nov. 15, 2012), 141 FERC ¶ 61,129.

back its willingness to grant project-specific ROE adders to provide incentives for new investment. Now, EEI is seeking, in effect, to apply non-targeted ROE adders to the entire rate base, old and new, by raising every public utility's base ROE allowance above its current cost of capital.

- EEI proposes (Report at page 14) a set of recommendations for how the Commission can “enhance its flexibility” by either adjusting how certain DCF inputs are calculated or abandoning the DCF methodology in favor of “alternative approaches.” The Commission should not entertain fixes to something that is not broken. In fact, the only thing “wrong” with the current DCF methodology is that, in combination with current economic conditions, it leads to ROE results that transmission owners and their investors wish were higher. When economic conditions change, transmission owners will seek approval of ROE increases, and will no longer argue that methodological changes are needed. Far from an anomaly, the rise and fall of ROEs in accordance with economic conditions is implicit in the FPA and case law interpreting it.
- EEI raises the specter that lower returns will skew planning, stating that “[i]f ROEs for transmission are not sufficient, a utility may choose a short-term more-local project or alternative resource solution to maintain reliability rather than choose the riskier, more strategic option that could provide additional benefits to customers and be more cost-effective.” (Report at page 7.) But the risk of planning distortion runs the other way. Propping up federal transmission return allowances relative to ROE allowances set by the states would skew utility investment decisions as between transmission and other system needs, such as distribution level infrastructure additions, cleaner generation, and demand-side management,⁸ and would tilt towards inaction the cost-benefit analyses by which siting authorities and regional planners weigh whether investment in new transmission is worthwhile.
- EEI goes on to state (Report at page 7) that “without adequate returns to support investment in needed transmission, projects evaluated in [Order No. 1000] planning

⁸ See, e.g., Sept. 12, 2011 Comments of Joint Signatories in *Promoting Transmission Investment Through Pricing Reform*, Docket No. RM11-26 at pp. 35, 81 and Attachment B (Statement of Jim Tracy), ¶¶ 15-19. As Mr. Tracy noted at ¶ 18 of his statement:

Utilities will typically spend money to replace or add facilities to stay ahead of the curve and avoid problems before they occur, because reliability is a high priority. But these are still discretionary investments in the sense that they can be deferred for some period of time without risking acceptable service reliability. For example, a decision to replace underground distribution lines can be deferred. If this can be done and if the utility's shareholders can earn a higher return on transmission investments than on such deferred distribution upgrades or replacements, this is likely to cause a shift in the utility's use of its investment dollars. A higher-than-required ROE allowance on new transmission facilities could skew the incentives toward investment in such higher return projects even if investment in distribution facilities carrying a lower ROE might be optimal for overall reliability. This would not be desirable, particularly if incentives are made too readily available, and could encourage overbuilding of transmission capacity.

processes may not be undertaken because limited capital will be invested elsewhere, likely resulting in delay or absence of projects required to address congestion, to implement public policy objectives, and to bring benefits to customers.” But this veiled threat to forgo investing in needed transmission facilities cannot be reconciled with the assertions of EEI and a number of its individual members that they should have exclusive rights to build new transmission facilities in their service areas so that they can satisfy their own public utility obligations to provide reliable service.⁹ On the contrary, making these conflicting assertions requires a certain degree of *chutzpah*.¹⁰

For all of these reasons, the Joint Signatories urge the Commission to continue to review the ROE allowances of Commission-regulated public utilities using the DCF methodology to ensure that they remain just and reasonable in light of current economic conditions, and to reduce them as necessary to meet the relevant legal standards.

[signatures follow]

⁹ As the Commission is well aware, public utilities have recently contested each other for primary rights to build transmission facilities in numerous states, including Illinois, Indiana, Kansas, Minnesota, and Pennsylvania. *See, e.g.*, FERC Docket Nos. EL10-14, EL10-52, EL12-24, EL12-28, and EL12-69, and Kansas Corporation Commission Docket No. 08-ITCE-936-COC. Even more recently, EEI joined in arguing that incumbent transmission owners may safely be given primacy rights to build because “FERC will regulate the price the owner of the line may charge, limiting it to its prudently incurred costs of providing the service.” *See South Carolina Public Service Authority, et al. v. FERC*, D.C. Cir. Nos. 12-1232, et al., Joint Brief of Petitioners and Supporting Intervenors Concerning Rights of First Refusal, filed May 28, 2013, at 25. While making that argument to the D.C. Circuit, EEI is simultaneously seeking to change the Commission’s ROE methodology so as to systematically recover more than the actual cost of equity capital.

¹⁰ The D.C. Circuit has defined “chutzpah” as follows: “[C]hutzpah is a young man, convicted of murdering his parents, who argues for mercy on the ground that he is an orphan.” *Harbor Ins. Co. v. Schnabel Found. Co.*, 946 F.2d 930, 937 n.5 (D.C. Cir. 1991). *See also, Marks v. Commissioner* 947 F.2d 983, 986 (D.C. Cir. 1991) (describing the court’s “developing chutzpah doctrine”); *Caribbean Shippers v. Surface Transportation Board*, 145 F.3d 1344, 1365 (D.C. Cir. 1998) (same).

Very Truly Yours,

AMERICAN FOREST & PAPER ASSOCIATION

By: /s/ Jerry Schwartz

Jerry Schwartz
Senior Director, Energy and Environmental Policy
1111 19th Street, NW, Suite 800
Washington, DC 20036
(202) 463-2581
jerry_schwartz@afandpa.org

AMERICAN PUBLIC POWER ASSOCIATION

By: /s/ Susan N. Kelly

Susan N. Kelly
Senior Vice President of Policy Analysis and General Counsel
American Public Power Association
1875 Connecticut Avenue, NW, Suite 1200
Washington, DC 20009-5715
(202) 467-2933
skelly@publicpower.org

ASSOCIATED INDUSTRIES OF MASSACHUSETTS, INC.

By: /s/ Robert A. Rio

Robert A. Rio
Senior Vice President and Counsel
Associated Industries of Massachusetts, Inc.
One Beacon Street, 16th Floor
Boston, MA 02108
(617) 488-8308
rrio@aimnet.org

**ASSOCIATION OF BUSINESSES ADVOCATING TARIFF
EQUITY**

By: /s/ Robert A. Strong

Robert A. W. Strong
Clark Hill PLC
151 S. Old Woodward Avenue, Suite 200
Birmingham, MI 48009
(248) 988-5861
rstrong@clarkhill.com

BRANDYWINE CONSERVANCY

By: /s/ Theodosia Price

Theodosia Price
Senior Planner
Brandywine Conservancy
1 Hoffman Mill Road
Chadds Ford, PA 19317
tprice@brandywine.org

CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION

By: /s/ C. Anthony Braun

C. Anthony Braun
Braun Blaising McLaughlin & Smith, P.C.
915 L Street, Suite 1270
Sacramento, CA 95814
(916) 326-5812
braun@braunlegal.com

CALIFORNIA PUBLIC UTILITIES COMMISSION

By: /s/ Frank Lindh

Frank Lindh, General Counsel
Harvey Morris
Gregory Heiden
California Public Utilities Commission
505 Van Ness Avenue, Room 5138
San Francisco, CA 94102
(415) 703-2015
flr@cpuc.ca.gov

CITIZENS UTILITY BOARD (ILLINOIS)

By: /s/ Kristin Munsch

Kristin Munsch
Director of Policy and Senior Attorney
Citizens Utility Board
309 W. Washington Street, Suite 800
Chicago, IL 60606
Phone: (312) 263-4282
Fax: (312) 263-4329
kmunsch@citizensutilityboard.org

CITY AND COUNTY OF SAN FRANCISCO

By: /s/ Theresa L. Mueller

Dennis J. Herrera
City Attorney
Theresa L. Mueller
Deputy City Attorney
San Francisco City Attorney's Office
City Hall, Room 234
San Francisco, CA 94102
(415) 554-4640
theresa.mueller@sfgov.org

CLIMATE + ENERGY PROJECT

By: /s/ Dorothy Barnett

Dorothy Barnett
Executive Director
Climate + Energy Project
barnett@climateandenergy.org

COALITION OF MISO TRANSMISSION CUSTOMERS

By: /s/ Robert A. Weishaar, Jr.

Robert A. Weishaar, Jr.
McNees Wallace & Nurick LLC
777 N. Capitol Street, NE, Suite 401
Washington, DC 20002-4292
(202) 898-5700
rweishaa@mwn.com

COLORADO OFFICE OF CONSUMER COUNSEL

By: /s/ William Levis

William Levis
Consumer Counsel
Colorado Office of Consumer Counsel
1560 Broadway, Suite 200
Denver, CO 80202
Phone: (303) 894-2121
Fax: (303) 894-2117
bill.levis@state.co.us

COMMONWEALTH OF KENTUCKY

By: /s/ Jack Conway

Jack Conway
Attorney General of Kentucky
700 Capitol Avenue, Suite 118
Frankfort, KY 40601
(502) 696-5643

CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

By: /s/ Katie Dykes

Katie Dykes
Deputy Commissioner
Connecticut Department of Energy and Environmental Protection
Ten Franklin Square
New Britain, CT 06051
Phone: (860) 424-3884
Fax: (860) 827-2806
katie.dykes@ct.gov

CONNECTICUT OFFICE OF CONSUMER COUNSEL

By /s/ Joseph A. Rosenthal

Elin Swanson Katz, Esq.
Consumer Counsel
Joseph A. Rosenthal, Esq.
Connecticut Office of Consumer Counsel
Ten Franklin Square
New Britain, CT 06051-2644
Phone: (860) 827-2900
Fax: (860) 827-2929
elin.katz@ct.gov
joseph.rosenthal@ct.gov

**CONNECTICUT PUBLIC UTILITIES REGULATORY
AUTHORITY**

By: /s/ Robert Luysterborghs

Robert Luysterborghs, Esq.
Public Utilities Regulatory Authority
10 Franklin Square
New Britain, CT 06051
Phone: (860) 827-2742
Fax: (860) 827-2613
robert.luysterborghs@po.state.ct.us

CONSERVATION LAW FOUNDATION

By /s/ Seth Kaplan

Seth Kaplan
Vice President for Policy and Climate Advocacy Conservation
Law Foundation
62 Summer Street
Boston, MA 02110
skaplan@clf.org

CONSUMERS UNION

By: /s/ Shannon Baker-Branstetter

Shannon Baker-Branstetter
Policy Counsel, Energy and Environment
Consumers Union, Policy and Action from Consumer Reports
1101 17th Street, NW, Suite 500
Washington, DC 20036
(202) 462-6262

DELAWARE DIVISION OF THE PUBLIC ADVOCATE

By: /s/ Ruth Ann Price

Ruth Ann Price
Deputy Public Advocate
Delaware Division of the Public Advocate
(302) 577-5014
ruth.price@state.de.us

Regina A. Iorii
Deputy Attorney General
Delaware Department of Justice
820 N. French Street, 4th Floor
Wilmington, DE 19801
(302) 577-8159
regina.iorii@state.de.us

**DELAWARE MUNICIPAL ELECTRIC CORPORATION,
INC.**

By: /s/ Thomas L. Rudebusch

Thomas L. Rudebusch
Bhaveeta K. Mody
Duncan, Weinberg, Genzer & Pembroke, P.C.
1615 M Street, NW, Suite 800
Washington, DC 20036
(202) 467-6370
tlr@dwgp.com

DELAWARE PUBLIC SERVICE COMMISSION

By: /s/ Robert Howatt

Robert Howatt
Executive Director
Delaware Public Service Commission
861 Silver Lake Boulevard
Dover, DE 19904
(302) 736-7500

EARTHJUSTICE

By: /s/ Abigail Dillen

Abigail Dillen
Coal Program Director
Earthjustice Northeast Office
Coal Program Director
156 William Street, Suite 800
New York, NY 10038
(212) 791-1881 Ext 8221
adillen@earthjustice.org

ELECTRICITY CONSUMERS RESOURCE COUNCIL

By: /s/ John P. Hughes

John P. Hughes
Vice President, Technical Affairs
Electricity Consumers Resource Council
1111 19th Street, NW, Suite 700
Washington, DC 20036
(202) 682-1390
jhughes@elcon.org

By: /s/ W. Richard Bidstrup

W. Richard Bidstrup
Cleary Gottlieb Steen & Hamilton LLP
2000 Pennsylvania Avenue, NW, Suite 900
Washington, DC 20006
(202) 974-1500
rbidstrup@cgsh.com

ENE (ENVIRONMENT NORTHEAST)

By: /s/ Daniel L. Sosland

Daniel L. Sosland
President
8 Summer Street
PO Box 583
Rockport, ME 04856
(207) 236-6470
dsosland@env-ne.org

**GEORGE JEPSEN, ATTORNEY GENERAL FOR THE
STATE OF CONNECTICUT**

By: /s/ John S. Wright

John S. Wright
Michael C. Wertheimer
Assistant Attorneys General
Attorney General's Office
10 Franklin Square
New Britain, CT 06051
Phone: (860) 827-2620
Fax: (860) 827-2893
john.wright@po.state.ct.us

ILLINOIS INDUSTRIAL ENERGY CONSUMERS

By: /s/ Eric Robertson

Eric Robertson
Lueders Robertson and Konzen
PO Box 735
1939 Delmar Avenue
Granite City, IL 62040
Phone: (618) 876-8500
Fax: (618) 876-4534
erobertson@lrklaw.com

**INDIANA OFFICE OF UTILITY CONSUMER
COUNSELOR**

By: /s/ A. David Stippler

A. David Stippler
Utility Consumer Counselor
Indiana Office of Utility Consumer Counselor
115 W. Washington Street, Suite 1500
South Indianapolis, IN 46204
(317) 233-3232
dstippler@oucc.in.gov

INDUSTRIAL ENERGY CONSUMER GROUP

By: /s/ Donald J. Sipe

Donald J. Sipe
Counsel to the Industrial Energy Consumer Group
Preti, Flaherty, Beliveau, & Pachios
PO Box 1058
45 Memorial Circle
Augusta, ME 04332
Phone: (207) 623-5300
Fax: (207) 623-2914
dsipe@preti.com

INDUSTRIAL ENERGY USERS-OHIO

By: /s/ Samuel C. Randazzo

Samuel C. Randazzo
Frank P. Darr
Counsel to Industrial Energy Users-Ohio
McNees Wallace & Nurick LLC
Fifth Third Center
21 East State Street, 17th Floor
Columbus, OH 43215-4228
Phone: (614) 719-2840
Fax: (614) 469-4653
sam@mwncmh.com
fdarr@mwncmh.com

**MARTHA COAKLEY, ATTORNEY GENERAL OF THE
COMMONWEALTH OF MASSACHUSETTS**

By: /s/ Patrick J. Tarmey

Patrick J. Tarmey
Assistant Attorney General
Massachusetts Attorney General Martha Coakley
Office of Ratepayer Advocacy
One Ashburton Place
Boston, MA 02108
(617) 963-2577
patrick.tarmey@state.ma.us

MARYLAND OFFICE OF PEOPLE'S COUNSEL

By: /s/ Paula M. Carmody

Paula M. Carmody
People's Counsel for State of Maryland
Maryland Office of People's Counsel
6 St. Paul Street, Suite 2102
Baltimore, MD 21202
(410) 767-8150
paulac@opc.state.md.us

MARYLAND PUBLIC SERVICE COMMISSION

By: /s/ Miles H. Mitchell

Miles H. Mitchell
Deputy General Counsel
Maryland Public Service Commission
6 St. Paul Street
Baltimore, MD 21202
(410) 767-8038
mmitchell@psc.state.md.us

MASSACHUSETTS DEPARTMENT OF PUBLIC UTILITIES

By: /s/ Thomas E. Bessette

Thomas E. Bessette
Massachusetts Department of Public Utilities
Division of Regional and Federal Affairs
One South Station, Second Floor
Boston, MA 02110
Phone: (617) 305-3629
Fax: (617) 345-9103
thomas.bessette@state.ma.us

MASSACHUSETTS MUNICIPAL WHOLESALE ELECTRIC COMPANY

By: /s/ Ronald C. DeCurzio

Ronald C. DeCurzio
Chief Executive Officer
Massachusetts Municipal Wholesale Electric Company
PO Box 426
Ludlow, MA 01056
(413) 308-1326
rdecurzio@mmwec.org

MISSOURI OFFICE OF THE PUBLIC COUNSEL

By: /s/ Lewis R. Mills, Jr.

Lewis R. Mills, Jr.
Public Counsel
PO Box 2230
Jefferson City, MO 65102
Phone: (573) 751-4857
Fax: (573) 751-5562
lewis.mills@ded.mo.gov

MODESTO IRRIGATION DISTRICT

By: /s/ Sean M. Neal

Sean M. Neal
Duncan, Weinberg, Genzer & Pembroke, P.C.
915 L Street, Suite 1410
Sacramento, CA 95814
(916) 498-0121
smn@dwgp.com

MONTANA CONSUMER COUNSEL

By: /s/ Robert A. Nelson

Robert A. Nelson
Consumer Counsel
Montana Consumer Counsel
111 N. Last Chance Gulch, Suite 1B
Helena, MT 59620
(406) 444-2771
robnelson@mt.gov

**NATIONAL CONSUMER LAW CENTER
(ON BEHALF OF ITS LOW-INCOME CLIENTS)**

By: /s/ Charles Harak

Charles Harak
Managing Attorney
National Consumer Law Center
7 Winthrop Square
Boston, MA 02110
(617) 542-8010
charak@nclc.org

**NATIONAL RURAL ELECTRIC COOPERATIVE
ASSOCIATION**

By: /s/ Richard Meyer

Richard Meyer
Senior Regulatory Counsel
4301 Wilson Boulevard
Arlington, VA 22203
(703) 907-5811
richard.meyer@nreca.coop

NATURAL RESOURCES DEFENSE COUNCIL

By: /s/ Carl Zichella

Carl Zichella
Director of Western Transmission
Natural Resources Defense Council
czichella@nrdc.org

NEPOOL INDUSTRIAL CUSTOMER COALITION

By: /s/ Robert A. Weishaar, Jr.

Robert A. Weishaar, Jr.
McNees Wallace & Nurick LLC
777 N. Capitol Street, NE, Suite 401
Washington, DC 20002-4292
(202) 898-5700
rweishaa@mwn.com

Vasiliki Karandrikas
McNees Wallace & Nurick LLC
PO Box 1166
Harrisburg, PA 17108-1166
(717) 232-5274
vkarandrikas@mwn.com

Susan E. Bruce
McNees Wallace & Nurick LLC
PO Box 1166
Harrisburg, PA 17108-1166
(717) 232-5254
sbruce@mwn.com

**NEW ENGLAND CONFERENCE OF PUBLIC UTILITY
COMMISSIONERS**

By: /s/ Harvey L. Reiter

Harvey L. Reiter, Esq.
Stinson Morrison Hecker LLP
1150 18th Street, NW, Suite 800
Washington, DC 20036-3845
(202) 785-9100
hreiter@stinsonmoheck.com

Sarah Hofmann, Executive Director
50 State Street, Suite 1
Montpelier, VT 05602
(802) 522-4068
shofmannnecpuc@gmail.com

NEW HAMPSHIRE ELECTRIC COOPERATIVE

By: /s/ Stephen E. Kaminski

Stephen E. Kaminski
Vice President, Power Resources and Access
New Hampshire Electric Cooperative, Inc.
579 Tenney Mountain Highway
Plymouth, NH 03264-3154
(603) 536-8655
kaminskis@nhec.com

NEW JERSEY DIVISION OF RATE COUNSEL

By: /s/ Felicia Thomas-Friel, Esq.

Felicia Thomas-Friel, Esq.
Deputy Rate Counsel
Division of Rate Counsel
140 East Front Street, 4th Floor
PO Box 003
Trenton, NJ 08625
(609) 984-1460

NEW YORK ASSOCIATION OF PUBLIC POWER

By: /s/ Thomas L. Rudebusch

Jeffrey C. Genzer
Thomas L. Rudebusch
Duncan, Weinberg, Genzer & Pembroke, P.C.
1615 M Street, NW, Suite 800
Washington, DC 20036
(202) 467-6370
tlr@dwgp.com

NH OFFICE OF THE CONSUMER ADVOCATE

By: /s/ Rorie E. P. Hollenberg

Rorie E. P. Hollenberg, Assist. Consumer Advocate
NH Office of the Consumer Advocate
21 S. Fruit Street, Suite 18
Concord, NH 03301
(603) 271-1173
rorie.hollenberg@oca.nh.gov

NORTHERN CALIFORNIA POWER AGENCY

By: /s/ Lisa G. Dowden

Lisa G. Dowden
Spiegel & McDiarmid
1333 New Hampshire Avenue, NW
Washington, DC 20036
(202) 879-2046
lisa.dowden@spiegelmc.com

**OFFICE OF THE NEVADA ATTORNEY GENERAL
BUREAU OF CONSUMER PROTECTION**

By: /s/ Eric P. Witkoski

Eric P. Witkoski
Consumer Advocate and Chief Deputy Attorney General
Bureau of Consumer Protection
10791 West Twain Avenue, Suite 100
Las Vegas, NV 89135
(702) 486-3129
ewitkoski@ag.nv.gov

**OFFICE OF THE PEOPLE'S COUNSEL FOR THE
DISTRICT OF COLUMBIA**

By: /s/ Sandra Mattavous-Frye

Sandra Mattavous-Frye
People's Counsel
Office of the People's Counsel for the District of Columbia
1133 15th Street, NW, Suite 500
Washington, DC 20005
(202) 727-3071
smfrye@opc-dc.gov

ORGANIZATION OF MISO STATES

By: /s/ William H. Smith, Jr.

William H. Smith, Jr.
Executive Director, Organization of MISO States
100 Court Avenue, Suite 315
Des Moines, IA 50309
(515) 243-0742
bill@misostates.org

PENNSYLVANIA LAND TRUST ASSOCIATION

By: /s/ Andrew M. Loza.

Andrew M. Loza, Executive Director
Pennsylvania Land Trust Association
aloza@conserveland.org

PENNSYLVANIA OFFICE OF CONSUMER ADVOCATE

By: /s/ Darryl Lawrence

Darryl Lawrence
Assistant Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
(717) 783-5048
dlawrence@paoca.org

PJM INDUSTRIAL CUSTOMER COALITION

By: /s/ Robert A. Weishaar, Jr.

Robert A. Weishaar, Jr.
McNees Wallace & Nurick LLC
777 N. Capitol Street, NE, Suite 401
Washington, DC 20002-4292
(202) 898-5700
rweishaa@mwn.com

POWEROPTIONS, INC.

By: /s/ Cynthia Arcate

Cynthia Arcate
President & CEO
PowerOptions, Inc.
129 South Street, 5th Floor
Boston, MA 02111
(617) 428-4258
carcate@poweroptions.org

PUBLIC POWER COUNCIL

By: /s/ Nancy Baker

Nancy Baker
Senior Policy Analyst
Public Power Council
825 NE Multnomah Street, Suite 1225
Portland, OR 97232
Phone: (503) 595-9770
Fax: (503) 239-5959
nbaker@ppcpdx.org

RHODE ISLAND DIVISION OF PUBLIC UTILITIES AND CARRIERS

By: /s/ Leo J. Wold

Leo J. Wold
Assistant Attorney General
150 South Main Street
Providence, RI 02903
Phone: (401) 274-4400, ext. 2218
Fax: (401) 222-3016
lwold@riag.ri.gov

SACRAMENTO MUNICIPAL UTILITY DISTRICT

By: /s/ Harvey L. Reiter

Harvey L. Reiter, Esq.
Stinson Morrison Hecker LLP
1150 18th Street, NW, Suite 800
Washington, DC 20036-3845
(202) 785-9100
hreiter@stinson.com

By: /s/ Laura Lewis

Laura Lewis
Andrew Meditz
Sacramento Municipal Utility District
6201 S Street
Sacramento, CA 95817
(916) 732-6123
llewis@smud.org
ameditz@smud.org

SIERRA CLUB'S BEYOND COAL CAMPAIGN

By: /s/ Mark Kresowik

Mark Kresowik
Deputy Director, Eastern Region, Beyond Coal Campaign
Sierra Club
50 F St NW Eighth Floor
Washington, DC 20001
(202) 675-7914
mark.kresowik@sierraclub.org

STATE OF MAINE, OFFICE OF THE PUBLIC ADVOCATE

By: /s/ Agnes Gormley

Agnes Gormley
State of Maine, Office of the Public Advocate
112 State House Station
Augusta, ME 04333-0112
(207) 287-2445
agnes.gormley@maine.gov

THE SUSTAINABLE FERC PROJECT

By: /s/ Allison Clements

Allison Clements
John Moore
The Sustainable FERC Project
NRDC
40 W. 20th Street
NYC, NY 10011
(212) 727-4473
clements.fercproject@gmail.com

TRANSMISSION ACCESS POLICY STUDY GROUP

By: /s/ Cynthia S. Bogorad

Cynthia S. Bogorad
Spiegel & McDiarmid
1333 New Hampshire Avenue, NW
Washington, DC 20036
(202) 879-4000
cynthia.bogorad@spiegelmc.com

TRANSMISSION AGENCY OF NORTHERN CALIFORNIA

By: /s/ Bryan W. Griess

Bryan W. Griess
General Manager
Transmission Agency of Northern California
PO Box 15129
Sacramento, CA 95851-0129
(916) 852-1673
bgriess@tanc.us

TRANSMISSION DEPENDENT UTILITY SYSTEMS

By: /s/ Sean T. Beeny

Sean T. Beeny
Phyllis G. Kimmel
Miller, Balis & O'Neil, P.C.
1015 Fifteenth Street, NW
Twelfth Floor
Washington, DC 20005
(202) 296-2960
sbeeny@mbolaw.com
pkimmel@mbolaw.com

VERMONT DEPARTMENT OF PUBLIC SERVICE

By: /s/ Harvey L. Reiter, Esq.

Harvey L. Reiter, Esq.
Stinson Morrison Hecker LLP
1150 18th Street, NW, Suite 800
Washington, DC 20036-3845
(202) 785-9100

VIRGINIA DIVISION OF CONSUMER COUNSEL

By: /s/ C. Meade Browder, Jr.

C. Meade Browder, Jr.
Senior Assistant Attorney General
Division of Consumer Counsel
Office of the Attorney General of Virginia
900 East Main Street
Richmond, VA 23219
(804) 786-2071
mbrowder@oag.state.va.us

THE WILDERNESS SOCIETY

By: /s/ Chase Huntley

Chase Huntley
Senior Director, Energy
Government Relations Group
The Wilderness Society
chase_huntley@tw.s.org

WISCONSIN INDUSTRIAL ENERGY GROUP

By: /s/ Todd Stuart

Todd Stuart, Executive Director
10 East Doty Street, Suite 800
Madison, WI 53703
(608) 441-5740
tstuart@wieg.org

By: /s/ Kavita Maini

Kavita Maini
KM Energy Consulting, LLC
961 North Lost Woods Road
Oconomowoc, WI 53066
(262) 391-8741
kmaini@wi.rr.com

WISCONSIN PAPER COUNCIL

By: /s/ Earl Gustafson

Earl Gustafson
VP - Energy, Forestry & HR
Wisconsin Paper Council
5485 Grande Market Drive, Suite B
Appleton, WI 54913
(920) 574-3752
gustafson@wipapercouncil.org