

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

<b>International Transmission Co.</b>	)	
<b>d/b/a ITC Transmission, <i>et al.</i></b>	)	<b>Docket No. EL26-58-000</b>
	)	
v.	)	
	)	
<b>Midcontinent Independent System Operator, Inc.</b>	)	
<b>Southwest Power Pool, Inc.</b>	)	

**MOTION TO INTERVENE AND COMMENTS OF THE  
NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES**

Pursuant to Rules 206 and 214 of the Federal Energy Regulatory Commission’s (“FERC”) Rules of Practice and Procedure, and the April 16, 2026 Notice of Extension of Time, the National Association of State Utility Consumer Advocates (“NASUCA”) respectfully submits this Motion to Intervene and Comments in response to the April 8, 2026 Complaint submitted by International Transmission Co. d/b/a ITC Transmission; Michigan Electric Transmission Co., LLC; ITC Midwest LLC, and ITC Great Plains, LLC; Ameren Services Co.; American Transmission Co. LLC; Cleco Power LLC; Entergy Services, LLC; Evergy, Inc.; Oklahoma Gas & Electric Co.; The Empire District Electric Company; and Xcel Energy Services Inc. (collectively “Complainants”) against Midcontinent Independent System Operator, Inc. (“MISO”) and the Southwest Power Pool, Inc. (“SPP”). In support thereof, NASUCA states as follows:

**I. COMPLIANCE WITH RULE 203**

The exact name of the movant is the National Association of State Utility Consumer Advocates. Its principal place of business is 8777-B Piney Orchard Pkwy, Suite 173, Odenton,

Maryland, 21113. Correspondence, pleadings, and other papers relating to this proceeding should be addressed to the following representatives of the NASUCA:

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## II. MOTION TO INTERVENE

NASUCA is a voluntary association of 62 state utility consumer advocate offices. NASUCA's members represent the interests of utility consumers in 45 states, the District of Columbia, Puerto Rico, Barbados and Jamaica. NASUCA's full members are designated by the laws of their respective jurisdictions to represent the interests of utility consumers before state and federal utility regulators and in the courts. NASUCA's associate and affiliate members are recognized utility consumer advocates in their respective jurisdictions.

The Complaint proposes revisions to MISO's and SPP's competitive solicitation processes that, if granted, would affect the rates and terms for wholesale transmission service. The Complaint could also serve as precedent in other regions given that it implicates competitive solicitation processes established under Order No. 1000.<sup>1</sup> NASUCA has an interest that may be directly affected by the outcome of the proceeding. NASUCA's interest cannot be adequately represented by any party to the proceeding. Consequently, NASUCA's participation in this

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<sup>1</sup> *Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, Order No. 1000, FERC Stats. & Regs. ¶ 31,323 (2011), *order on reh'g*, Order No. 1000-A, 139 FERC ¶ 61,132, *order on reh'g*, Order No. 1000-B, 141 FERC ¶ 61,044 (2012), *aff'd sub nom. S.C. Pub. Serv. Auth. v. FERC*, No. 12-1232, 2014 WL 3973116 (D.C. Cir. Aug. 15, 2014).

proceeding is in the public interest. On these bases, FERC should grant this Motion to Intervene and make NASUCA a participant in this proceeding for all purposes.

### III. COMMENTS

NASUCA does not normally intervene in regional matters or specific complaints under Section 206. However, this Complaint constitutes a wholesale attack on Order No. 1000. NASUCA is concerned that, if granted, this Complaint could serve as the basis for similar requests in other regions, which would functionally undermine Order No. 1000 in more jurisdictions that are at issue in the current case. Indeed, though the Complaint is directed at MISO and SPP, the requested relief is extraordinary in that it asks FERC to undo a Final Rule that was established on a nation-wide basis.

Contrary to the contentions underlying the Complaint, NASUCA submits that customers receive substantial benefits from competitive bidding processes for transmission development. NASUCA's 2022 Transmission Resolution highlights the following"<sup>2</sup>

- "Planning principles should support competition in the building of RTO-identified transmission projects. Competition helps ensure the adoption of efficient, cost-effective Planning principles should support competition in the building of RTO-identified transmission projects. Competition helps ensure the adoption of efficient, cost-effective[;]"<sup>3</sup> and
- "In states or regions in which incumbent transmission providers are insulated from competition, FERC must establish processes to ensure that transmission plans are cost-effective and transmission development costs are reasonable, carefully managed, and more frequently reviewed to ensure the transmission projects are still needed and cost justified."<sup>4</sup>

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<sup>2</sup> <https://www.nasuca.org/wp-content/uploads/2021/10/2022-01-Consumer-Protection-Policies-for-Transmission-and-Distribution-Planning-6-12-2022.pdf> (last visited May 26, 2026).

<sup>3</sup> *Id.*, ¶ 23.

<sup>4</sup> *Id.*, ¶ 24.

The instant Complaint proposes to eliminate these benefits, which would have significant long-term adverse rate impacts for consumers NASUCA members represent.

To the extent there are challenges operationalizing Order No. 1000 competitive procurement process, NASUCA submits that this Complaint is not the appropriate forum for resolving those challenges. Rather, FERC would be better served examining why competition is difficult in the current regulatory structure and improving processes so we achieve the desired competitive outcome.

If FERC does grant Complaint, it should make clear that its action is limited to circumstances that are unique to MISO and SPP. FERC should also implement consumer protection measures to offset the loss of competitive bidding in MISO and SPP, including but not limited to the following: (1) reducing authorized returns on equity (“ROE”) to reflect reduced risk of projects that are not subject to competition; (2) eliminating any ROE incentives and other financial protections for projects that are removed from a competitive bidding process; and (3) ensuring that cost allocation policies for these projects properly assign costs to the cost causers that are driving the need for the extraordinary reduction in competitive protections for consumers.

#### **IV. RESERVATION OF RIGHTS**

NASUCA reserves its right to posit and address any additional issues that may be identified or developed during the course this proceeding.

#### **V. CONCLUSION**

**WHEREFORE**, the National Association of State Utility Consumer Advocates respectfully submits asks that the Federal Energy Regulatory Commission:

- (1) grant the foregoing Motion to Intervene;
- (2) consider these Comments in evaluating the Complaint and determining the actions necessary to protect consumers; and

(3) grant such other relief as may be deemed necessary and appropriate.

Respectfully submitted,

/s/ David Springe

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*For the National Association of State Utility  
Consumer Advocates*

Dated: May 27, 2026

**CERTIFICATE OF SERVICE**

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

Dated at Washington, D.C., this 27th day of May, 2026.

/s/ David Springe

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