192 FERC ¶ 61,064
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Mark C. Christie, Chairman;
David Rosner, Lindsay S. See,
and Judy W. Chang.

Midcontinent Independent System Operator, Inc. Docket No. ER25-2454-000

ORDER ACCEPTING TARIFF REVISIONS, SUBJECT TO CONDITION

(Issued July 21, 2025)

1. On June 6, 2025, Midcontinent Independent System Operator, Inc. (MISO) submitted, pursuant to section 205 of the Federal Power Act (FPA)[1] and part 35 of the Commission's regulations,[2] proposed revisions to Attachment X in the MISO Open Access Transmission, Energy and Operating Reserve Markets Tariff (Tariff), which contains MISO's Generator Interconnection Procedures (GIP), to establish the Expedited Resource Addition Study (ERAS) process to provide a framework for the expedited study of interconnection requests to address urgent resource adequacy and reliability needs in the near term.[3] In this order, we accept MISO's proposed Tariff revisions, subject to condition, effective August 6, 2025, as requested, as discussed below.

I. Background

2. In Order No. 2003,[4] the Commission required public utilities that own, control, or operate transmission facilities to file standard generator interconnection procedures and a standard agreement to provide interconnection service to generating facilities with a

[1] 16 U.S.C. § 824d.

[2] 18 C.F.R. pt. 35 (2024).

[3] MISO, FERC Electric Tariff, attach. X (Generator Interconnection Procedures (GIP)) (175.0.0); *id*. app. 1 (Interconnection Request for a Generating Facility)) (57.0.0); *id*. app. 6 (Generator Interconnection Agreement (GIA)) (108.0.0) (Proposed Tariff).

[4] *Standardization of Generator Interconnection Agreements & Procs.*, Order No. 2003, 104 FERC ¶ 61,103 (2003), *order on reh'g*, Order No. 2003-A, 106 FERC ¶ 61,220, *order on reh'g*, Order No. 2003-B, 109 FERC ¶ 61,287 (2004), *order on reh'g*, Order No. 2003-C, 111 FERC ¶ 61,401 (2005), *aff'd sub nom. Nat'l Ass'n of Regul. Util. Comm'rs v. FERC*, 475 F.3d 1277 (D.C. Cir. 2007).

capacity greater than 20 megawatts (MW). To this end, the Commission adopted the *pro forma* Large Generator Interconnection Procedures (LGIP) and *pro forma* Large Generator Interconnection Agreement (LGIA) and required all public utilities subject to Order No. 2003 to modify their tariffs to incorporate the *pro forma* LGIP and *pro forma* LGIA.[5]

3. The Commission permitted transmission providers to seek variations from the *pro forma* LGIP and *pro forma* LGIA if those variations were "consistent with or superior to" the terms of the *pro forma* LGIP and *pro forma* LGIA.[6] In addition, the Commission indicated that it would allow regional transmission organizations and independent system operators (RTO/ISO), such as MISO, to propose independent entity variations for pricing and non-pricing provisions, stating that RTOs/ISOs have different operating characteristics due to their sizes and locations and that an RTO/ISO is less likely to act in an unduly discriminatory manner than a transmission provider that is also a market participant.[7] The Commission found that RTOs/ISOs "shall therefore have greater flexibility to customize [their] interconnection procedures and agreements to fit regional needs."[8] Under the independent entity variation standard, an RTO/ISO must demonstrate that proposed deviations from the Commission's *pro forma* LGIP and *pro forma* LGIA are just and reasonable and not unduly discriminatory or preferential and accomplish the purposes of Order No. 2003.[9]

A. <u>Overview of MISO's Generator Interconnection Process</u>

4. Since the issuance of Order No. 2003, MISO has submitted several generator interconnection queue reform proposals. As relevant here, in January 2017, the Commission accepted MISO's proposal to implement a three-phase Definitive Planning

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[5] Order No. 2003, 104 FERC ¶ 61,103 at PP 1-2.

[6] *Id.* PP 825-826. The Commission also permitted transmission providers to justify a variation from the *pro forma* LGIP or *pro forma* LGIA based on regional reliability requirements and required transmission providers to submit these regional reliability variations to the Commission for approval under the relevant reliability standard. *Id.* PP 824, 826.

[7] *Id.* P 827.

[8] *Id.*

[9] *See, e.g.*, *Midcontinent Indep. Sys. Operator, Inc.*, 185 FERC ¶ 61,084, at P 11 (2023) (citing Order No. 2003, 104 FERC ¶ 61,103 at PP 26, 827).

Phase (DPP) process to study interconnection requests in clusters.[10] The DPP is based on a sequential review process that facilitates the structured study and restudy of proposed generating facilities.

5. Under the current procedures, MISO conducts one system impact study in each of the three DPP phases (i.e., a preliminary system impact study in DPP Phase I, a revised system impact study in DPP Phase II, and a final system impact study in DPP Phase III) to account for withdrawn interconnection requests and to refine and update the analysis.[11] During DPP Phases II and III, MISO also conducts a facilities study.[12] DPP Phases I and II are followed by interconnection customer decision points (Decision Point I follows DPP Phase I, and Decision Point II follows DPP Phase II).[13] The decision points provide interconnection customers opportunities to evaluate study results and decide whether to proceed with or withdraw their interconnection requests. On June 26, 2025, the Commission accepted in part MISO's Order No. 2023[14] compliance filing, which maintained its DPP process as an independent entity variation.[15]

6. On January 19, 2024, the Commission issued an order rejecting MISO's proposed revisions to its GIP to implement a cap on the total MW value of interconnection requests that may be studied in a cluster, as well as exemptions to that cap (2023 MISO Queue Cap Proposal).[16] The Commission found, among other things, that "the proposal to include cap exemptions has not been shown to be consistent with the Commission's open

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[10] *Midcontinent Indep. Sys. Operator, Inc*., 158 FERC ¶ 61,003, *order on reh'g*, 161 FERC ¶ 61,137 (2017).

[11] MISO, Tariff, attach. X (GIP) (171.0.0), §§ 7 (Definitive Planning Phase), 7.3.1 (Definitive Planning Phase I), 7.3.2 (Definitive Planning Phase II), 7.3.3 (Definitive Planning Phase III).

[12] *Id.* §§ 7 (Definitive Planning Phase), 7.3.2 (Definitive Planning Phase II), 7.3.3 (Definitive Planning Phase III).

[13] *Id.* §§ 7 (Definitive Planning Phase), 7.3.1.4 (Interconnection Customer Decision Point I), 7.3.2.4 (Interconnection Customer Decision Point II).

[14] *Improvements to Generator Interconnection Procs. & Agreements*, Order No. 2023, 184 FERC ¶ 61,054, *order on reh'g*, 185 FERC ¶ 61,063 (2023), *order on reh'g*, Order No. 2023-A, 186 FERC ¶ 61,199, *errata notice*, 188 FERC ¶ 61,134 (2024).

[15] *Midcontinent Indep. Sys. Operator, Inc*., 191 FERC ¶ 61,229 (2025).

[16] *Midcontinent Indep. Sys. Operator, Inc*., 186 FERC ¶ 61,054 (January 2024 Order), *order on reh'g*, 187 FERC ¶ 61,031 (2024).

access requirements"[17] because, despite the purpose of the cap being to limit the total MW studied in a queue cycle, exempted interconnection requests could enter the cycle regardless of the cap value (i.e., there was no limit to the number of exempted interconnection requests), and thus "the cap exemptions create[d] priority access to the generator interconnection process for the exempted classes of interconnection requests."[18] The Commission further stated that it had "concerns that specific exemptions have not otherwise been shown to be just and reasonable and not unduly discriminatory."[19] As an example, the Commission stated that MISO's proposal lacked "sufficient basis to conclude that the RERRA exemption will be limited to interconnection requests needed to meet state resource adequacy or reliability requirements."[20] The January 2024 Order also accepted MISO's proposed revisions to its GIP, in Docket No. ER24-340-000, to increase milestone payments, adopt an automatic withdrawal penalty, revise certain withdrawal penalty provisions, and expand site control requirements for interconnection facilities (2023 Non-Cap Queue Reform Proposal).[21]

7. On November 21, 2024, in Docket No. ER25-507-000, MISO submitted another proposal to establish a queue cap (2024 MISO Queue Cap), which the Commission accepted on January 30, 2025.[22] Unlike the 2023 MISO Queue Cap Proposal, the 2024 MISO Queue Cap established a hard limit on the total MW that could be studied in a cluster. While the 2024 MISO Queue Cap allowed for exemptions, such exemptions counted toward the hard cap limit, and the Commission determined that the proposed exemptions did not create open access concerns.[23] Unlike the 2023 MISO Queue Cap Proposal, the 2024 MISO Queue Cap did not include a RERRA exemption.

B. Initial ERAS Proposal and May 2025 Order

8. On March 17, 2025, in Docket No. ER25-1674-000, MISO submitted proposed revisions to its GIP to establish an ERAS process to provide a framework for the

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[17] *Id.* P 170.

[18] *Id.* P 176.

[19] *Id.* P 178.

[20] *Id.* P 177 n.413.

[21] January 2024 Order, 186 FERC ¶ 61,054 at P 1.

[22] *Midcontinent Indep. Sys. Operator, Inc.*, 190 FERC ¶ 61,057 (2025) (January 2025 Order).

[23] *Id.* P 87.

expedited study of interconnection requests to address urgent resource adequacy and reliability needs in the near term (Initial ERAS Proposal). On May 16, 2025, the Commission issued an order rejecting the Initial ERAS Proposal.[24]

9. In the Initial ERAS Proposal, MISO proposed to create a quarterly "first-come, first-served" serial study process to facilitate the rapid study of interconnection requests for generating resources that are committed to addressing specific, identified resource adequacy and/or reliability needs,[25] resulting in an Expedited Generator Interconnection Agreement (EGIA) within approximately 90 days of study kickoff. MISO proposed that an ERAS interconnection request must request Network Resource Interconnection Service (NRIS).[26] MISO further proposed that an ERAS interconnection request must demonstrate that it is required to meet an identified resource adequacy and/or reliability need by providing both: (1) a written notification from the RERRA, or its documented representative, where the load to be served by the generating facility is located, that certifies or determines that the generating facility should be considered for the ERAS process in order to meet a resource adequacy and/or a reliability need claimed by the RERRA, the Load Serving Entity (LSE), or the interconnection customer; and (2) an executed agreement evidencing that the ERAS project is intended to be used by the entity with the claimed resource adequacy or reliability need.[27]

10. MISO's Initial ERAS Proposal also included certain requirements and obligations for ERAS interconnection requests that would not apply to other interconnection requests, including commercial operation date requirements, greater site control requirements, a greater application fee and milestone payments, and a requirement to pay for all network upgrades documented in the EGIA, even if the interconnection customer withdrew its request after the EGIA was executed or filed unexecuted with the Commission.[28]

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[24] *Midcontinent Indep. Sys. Operator, Inc.*, 191 FERC ¶ 61,131 (2025) (May 2025 Order).

[25] *Id.* P 8.

[26] MISO's GIP defines NRIS, in relevant part, as "an Interconnection Service that allows Interconnection Customer to integrate its Generating Facility with the Transmission System in the same manner as for any Generating Facility being designated as a Network Resource. [NRIS] does not convey transmission service." MISO, Tariff, attach. X (GIP) (171.0.0), § 1 (Definitions).

[27] May 2025 Order, 191 FERC ¶ 61,131 at P 9.

[28] *Id.* P 10.

11. In the May 2025 Order, the Commission rejected MISO's Initial ERAS Proposal, finding that MISO had not shown the proposal to be just and reasonable and not unduly discriminatory or preferential.[29] The Commission agreed with MISO that ensuring reliability and resource adequacy is of critical importance. The Commission explained, however, that the Initial ERAS Proposal placed no limit on the number of projects that could be entered in the ERAS process, which could result in an ERAS queue with processing times for interconnection requests that are too lengthy to meet MISO's stated resource adequacy and reliability needs, similar to the challenges with the current DPP queue. The Commission also found that MISO had not demonstrated that the Initial ERAS Proposal will solve the identified reliability and resource adequacy needs.[30]

12. The Commission further stated that MISO's proposal to provide 14 opportunities to enter the ERAS process through 2028, "could further impede MISO's ability to process ERAS requests on an expedited basis," and would "exacerbate[] the potential for a volume of ERAS interconnection requests untethered to reliability or resource adequacy needs."[31] The Commission stated that this aspect of MISO's Initial ERAS Proposal made it difficult to determine whether the solution was narrowly tailored enough to fix the problem.

13. In addition, the Commission stated that MISO did not adequately describe how the ERAS process was sufficiently targeted to study only interconnection requests needed to meet the anticipated shortfall in generating capacity described by MISO.[32] The Commission further stated that MISO had not demonstrated that the proposed Tariff language was tailored to ensure that only those resources capable of addressing identified near-term resource adequacy or reliability needs would be eligible for expedited study through the ERAS process.[33]

II. MISO's Filing

14. MISO explains that it is facing urgent near-term resource adequacy and reliability concerns due to load growth, generation retirement, and delays in the interconnection

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[29] *Id.* P 197.

[30] *Id.* PP 199, 201.

[31] *Id.*

[32] *Id.* P 201.

[33] *Id.* P 202.

process[34] and that it will experience a 4.7 gigawatt (GW) shortfall by 2028 if currently planned generating facility retirements occur.[35] MISO asserts that, while it has undertaken reforms to improve queue processing, the current processing presents a barrier to developing generation that can address these near-term needs. Therefore, MISO proposes revisions to its GIP and *pro forma* Generator Interconnection Agreement (GIA) to establish a revised ERAS process, which provides for accelerated study of interconnection requests that will address urgent resource adequacy and reliability needs in the near term (i.e., within the next five years) (Revised ERAS Proposal).[36] Specifically, under the Revised ERAS Proposal, MISO proposes to create a quarterly "first-come, first-served" serial study process to facilitate the rapid study of interconnection requests for generating resources that are committed to addressing specific, identified resource adequacy and/or reliability needs,[37] resulting in an EGIA within approximately 90 days of study kickoff.

15. MISO proposes to maintain that an ERAS interconnection request must meet capacity resource requirements and therefore must request NRIS.[38] Further, MISO proposes that an ERAS interconnection request must demonstrate that it is required to meet an identified resource adequacy and/or reliability need by providing both: (1) a written verification from the RERRA, or its documented representative, where the load to be served by the generating facility is located, that determines that the generating facility

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[34] Transmittal at 5.

[35] *Id.* at 6 (citing *NERC's 2024 Long-Term Reliability Assessment* (published December 2024), https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_Long%20Term%20Reliability%20Assessment_2024.pdf).

[36] *Id.* at 1. *See* MISO, Proposed Tariff, attach. X (GIP) (175.0.0), §§ 1 (Definitions), 2.1 (Application of Generator Interconnection Procedures), 3.3.1 (Initiating an Interconnection Request), 3.4 (OASIS Posting), 3.9 (Expedited Resource Addition Study), 5.13 (Transition to ERAS Process), 7.2.1 (Requirements for Demonstrating Site Control for Generating Facility), 7.3.1.4 (Interconnection Decision Point I), 7.3.2.3.1 (Additional Analysis Applicable to Interconnection Requests in a JTIQ Screening Group), 11.1 (Tender), 11.2 (Negotiation), 11.2.1 (Optional negotiation period adjustment for Interconnection Facilities Study), and 11.3 (Execution and Filing); *id.* app. 1 (Interconnection Request for a Generating Facility) (56.0.0); *id.* app. 6 (GIA) (106.0.0), art. 1 (Definitions), 2.3.3, and 2.4 (Termination Costs).

[37] Transmittal at 4; Filing, Tab C (Testimony of Andrew Witmeier) at 51-52 (Witmeier Testimony).

[38] Transmittal at 36-37.

should be considered for the ERAS process in order to meet a resource adequacy and/or a reliability need that is not otherwise included in a resource plan, is claimed by the RERRA, or serves load in a retail choice state; and (2) an executed agreement evidencing that the ERAS project is intended to be used by the entity with the claimed resource adequacy or reliability need.[39]

16. MISO's proposal also maintains certain requirements and obligations on ERAS interconnection requests that would not apply to other interconnection requests, including commercial operation date requirements, greater site control requirements, a greater application fee and greater milestone payments, and a requirement to pay for all network upgrades documented in the EGIA, even if the interconnection customer withdraws its request after the EGIA is executed or filed unexecuted with the Commission.[40] MISO also states that the Revised ERAS Proposal contains new requirements for ERAS interconnection requests to better demonstrate the connection between a proposed generating facility and an identified resource adequacy and/or reliability need. MISO proposes to establish a cap of 68 interconnection requests that may be studied under ERAS. MISO proposes that of the 68 ERAS interconnection requests, 10 interconnection requests are carved out for independent power producers that have agreements with entities other than LSEs and eight interconnection requests are carved out for those serving retail choice loads. These requirements are described in more detail below in part IV of this order.

17. MISO requests an effective date of August 6, 2025 to ensure that the ERAS process will be in place prior to September 2, 2025, when MISO plans to start its first ERAS quarterly study period. MISO states that ERAS is meant as a short-term solution for a near-term problem, and it has written into its proposed Tariff revisions a sunset date of August 31, 2027, or the completion date of the sixty-eighth ERAS interconnection request study, whichever occurs first.[41] MISO states that it envisions ERAS as a temporary process needed until MISO is able to reduce the DPP study timeline to one year.[42]

III. Notice and Responsive Pleadings

18. Notice of the filing was published in the *Federal Register*, 90 Fed. Reg. 25042 (June 13, 2025), with interventions and protests due on or before June 16, 2025. Clean

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[39] *Id.* at 9, 27-30, 51-52.

[40] *Id.* at 56.

[41] *Id.* at 38-39; MISO, Proposed Tariff, attach. X (GIP) (175.0.0), § 3.9.9.

[42] Transmittal at 47.

Grid Alliance, Indicated Independent Power Producers (Indicated IPP),[43] NextEra, Public Interest Organizations (PIO),[44] and Trade Associations[45] each submitted a motion opposing the comment period of 10 days and requesting that the comment period be extended to 21 days. On June 11, 2025, the Office of the Secretary issued a notice denying the motions for extension of time.

19. Notices of intervention were filed by: the Minnesota Public Utilities Commission (Minnesota Commission); Organization of MISO States, Inc. (OMS); and the Public Utility Commission of Texas (Texas Commission).

20. Notices of intervention and comments were filed by: the Arkansas Public Service Commission (Arkansas Commission); the Illinois Commerce Commission (Illinois Commission); the Louisiana Public Service Commission and the Mississippi Public Service Commission (Louisiana and Mississippi Commissions); and the Missouri Public Service Commission (Missouri Commission).

21. A notice of intervention and limited protest was filed by the Michigan Public Service Commission (Michigan Commission).

22. Timely motions to intervene were filed by: Advanced Energy United; Alliant Energy Corporate Services, Inc. (AECS); American Clean Power Association and Clean Grid Alliance (jointly); Ameren Services Company, on behalf of Ameren Illinois Company d/b/a Ameren Illinois, Ameren Transmission Company of Illinois, and Union Electric Company d/b/a Ameren Missouri (collectively, Ameren); American Electric Power Service Corporation (AEP), on behalf of its affiliates AEP Energy Partners, Inc., AEP Indiana Michigan Transmission Company, Inc., and AEP Retail Energy Partners LLC; American Municipal Power, Inc.; Arevon; Big Rivers Electric Corporation (Big Rivers Electric); Calpine Corporation; Clean Energy Buyers Association; Clean Wisconsin; Clearway; Cleco Power LLC (Cleco); Coalition of Midwest Power Producers, Inc. (COMPP); Coalition of MISO Transmission Customers; Constellation

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[43] Indicated IPPs include: Arevon Energy, Inc. (Arevon); Clearway Energy Group LLC (Clearway); Cordelio Power LP (Cordelio); EDF Renewables, Inc. (EDF); Invenergy LLC; NextEra Energy Resources, LLC (NextEra); and Pine Gate Renewables, LLC (Pine Gate).

[44] For purposes of the motion opposing the 10-day comment period, PIOs include: Clean Wisconsin; Fresh Energy; Natural Resources Defense Council; Sierra Club; and Sustainable FERC Project.

[45] Trade Associations include: American Clean Power Association; Clean Grid Alliance; Electric Power Supply Association (EPSA); Solar Energy Industries Association (SEIA); and Southern Renewable Energy Association.

Energy Generation, LLC (Constellation); Consumers Energy Company (Consumers Energy); Cooperative Energy; Cordelio; DTE Electric Company (DTE Electric); Duke Energy Indiana, LLC (Duke Energy Indiana);[46] Earthrise MISO Companies;[47] East Texas Electric Cooperative, Inc.; EDF; EPSA; Enel Green Power North America, Inc. (Enel); Entergy Services, LLC (Entergy), on behalf of the Entergy Operating Companies;[48] Eolian, LP; Fresh Energy; Indiana Office of Utility Consumer Counselor; International Transmission Company d/b/a ITC*Transmission* (ITC*Transmission*); Invenergy Renewables, LLC (Invenergy); Large Public Power Council; Midwest TDUs;[49] MISO Transmission Owners (MISO TOs);[50] MN8 Energy LLC (MN8); New Leaf Energy, Inc. (New Leaf); NextEra; Northern Indiana Public Service Company LLC (NIPSCO); Ørsted Wind Power North America LLC; Otter Tail; Pine Gate; Public Citizen, Inc.; RWE Clean

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[46] Duke Energy Business Services LLC intervened on behalf of its affiliate Duke Energy Indiana.

[47] Earthrise MISO Companies include: Gibson City Energy Center, LLC; Shelby County Energy Center, LLC; and Tilton Energy LLC.

[48] The Entergy Operating Companies include: Entergy Arkansas, LLC; Entergy Louisiana, LLC; Entergy Mississippi, LLC; Entergy New Orleans, LLC; and Entergy Texas, Inc.

[49] Midwest TDUs include: Indiana Municipal Power Agency; The Missouri Joint Municipal Electric Utility Commission d/b/a the Missouri Electric Commission; Missouri River Energy Services; and WPPI Energy.

[50] For purposes of this filing, MISO TOs include: Ameren; American Transmission Company LLC; Big Rivers Electric; Central Minnesota Municipal Power Agency; Citizens Electric Corporation; City Water, Light & Power (Springfield, IL); Cleco; Cooperative Energy; Dairyland Power Cooperative; Duke Energy Business Services LLC for Duke Energy Indiana; East Texas Electric Cooperative, Inc.; Entergy Operating Companies; Great River Energy; GridLiance Heartland LLC; Hoosier Energy Rural Electric Cooperative, Inc.; Indiana Municipal Power Agency; Indianapolis Power & Light Company d/b/a AES Indiana; ITC*Transmission*; ITC Midwest LLC; Lafayette Utilities System; Michigan Electric Transmission Company, LLC (METC); MidAmerican Energy Company; Minnesota Power (and its subsidiary Superior Water, L&P); Montana-Dakota Utilities Co.; NIPSCO; Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, subsidiaries of Xcel Energy Inc.; Northwestern Wisconsin Electric Company; Otter Tail Power Company (Otter Tail); Prairie Power, Inc.; Southern Illinois Power Cooperative; CenterPoint; Southern Minnesota Municipal Power Agency; Wabash Valley Power Association, Inc.; and Wolverine Power Supply Cooperative, Inc.

Energy, LLC; SEIA; Shell Energy North America (US), L.P.; Sierra Club; Southern Indiana Gas and Electric Company d/b/a CenterPoint Energy Indiana South (CenterPoint); Southern Renewable Energy Association; Southwest Power Pool, Inc. (SPP); Sustainable FERC Project and Natural Resources Defense Council (jointly); Treaty Oak Clean Energy, LLC; Union of Concerned Scientists; Vistra Corp. (Vistra); and Wisconsin Utilities.[51]

23. Timely comments were filed by: AECS; Ameren; Big Rivers Electric; CenterPoint; Consumers Energy; DTE Electric; Duke Energy Indiana; Entergy, Cleco, and Cooperative Energy (collectively, Entergy/Cleco/Cooperative Energy); EPSA; Indiana Energy Association;[52] ITC*Transmission*, METC, and ITC Midwest LLC (collectively, ITC); Midwest TDUs; MISO TOs; NIPSCO; Otter Tail; and Wisconsin Utilities.

24. Individual comments were filed by: Governor Mike Braun (Indiana Governor); Governor Mike Kehoe (Missouri Governor); Governor Jeff Landry (Louisiana Governor); Governor Tate Reeves (Mississippi Governor); Robert E. Rutkowski; and Governor Sarah Huckabee Sanders (Arkansas Governor).

25. Timely protests were filed by: Clean Energy Associations;[53] Clean Grid Alliance; COMPP; Constellation; Invenergy; MISO Independent Power Producers (MISO IPP);[54] PIOs;[55] and Vistra.

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[51] Wisconsin Utilities include: Wisconsin Electric Power Company; Wisconsin Public Service Corporation; and Upper Michigan Energy Resources Corporation.

[52] Indiana Energy Association filed comments on behalf of AES Indiana, CenterPoint Energy Indiana, Duke Energy Indiana, and NIPSCO.

[53] Clean Energy Associations include: Advanced Energy United; American Clean Power Association; Clean Grid Alliance; SEIA; and Southern Renewable Energy Association.

[54] MISO IPPs include: Arevon; Clearway; Cordelio; EDF; EDP Renewables North America, LLC; Enel; Invenergy LLC; MN8; New Leaf; NextEra; and Pine Gate.

[55] For purposes of the protest, PIOs include: Clean Wisconsin, Fresh Energy, Sierra Club, Sustainable FERC Project, and Union of Concerned Scientists.

26. On June 20, 2025, MISO filed a motion for leave to answer and answer (MISO Answer).[56] On June 26, 2025, MISO IPPs submitted an answer to the MISO Answer. On June 27, 2025, Clean Energy Associations and Clean Grid Alliance each submitted answers to the MISO Answer.

27. On June 23, 2025, the Texas Commission filed comments and a motion for leave to submit comments out-of-time.

28. On July 1, 2025, MISO filed a motion for leave to file supplemental answer and answer (MISO Supplemental Answer). On July 2, 2025, Vistra filed a motion for leave to respond and response to the MISO Supplemental Answer. On July 3, 2025, Clean Grid Alliance filed a motion for leave to answer and answer to the MISO Supplemental Answer. On July 7, 2025, PIOs filed a motion for leave to answer and answer. On July 9, 2025, Michigan Commission filed a motion for leave to answer and answer to the MISO Answer and MISO Supplemental Answer. On July 11, 2025, MISO filed a motion for leave to file a second supplemental answer and answer (MISO Second Supplemental Answer). On July 15, 2025, Invenergy filed a motion for leave to answer and answer to the MISO Supplemental Answer. On July 15, 2025, Clean Grid Alliance filed a motion for leave to answer and answer to apprise the Commission of new information.

IV. Discussion

A. Procedural Matters

29. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2024), the notices of intervention and timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding.[57]

30. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2024), prohibits answers to a protest unless otherwise ordered by the decisional authority. We accept the answers filed in this proceeding because they have provided information that assisted us in our decision-making process.

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[56] MISO attaches its previous transmittal letter, answers, and supporting testimonies from the Initial ERAS Proposal filing in Docket No. ER25-1674-000 as a supplement to its answer. *See* MISO Answer at 4, Tab B.

[57] Entities that filed comments or protests but did not file a notice of intervention or motion to intervene are not parties to this proceeding. *See* 18 C.F.R. § 385.211(a)(2) (2024) ("The filing of a protest does not make the protestant a party to the proceeding.").

B. Substantive Matters

31. As discussed below, we find that MISO's proposed Tariff revisions implementing the Revised ERAS Proposal are just and reasonable and not unduly discriminatory or preferential, and we accept the Tariff revisions, subject to condition, effective August 6, 2025, as requested.[58] We also find that MISO's proposed Tariff revisions accomplish the purposes of the Commission's final rules on generator interconnection, including Order Nos. 2003 and 2023, by helping to ensure that interconnection customers are able to interconnect to the transmission system in a reliable, efficient, transparent, and timely manner.[59] Therefore, we find that MISO's proposed Tariff revisions meet the independent entity variation standard. Moreover, although several commenters argue for modifications to the Revised ERAS Proposal or suggest alternative solutions for addressing MISO's near-term resource adequacy and reliability needs, the Commission need only determine, under FPA section 205, whether the proposed filing is just and reasonable; the Commission is not obligated to consider whether the proposal is more or less reasonable than other alternatives.[60] We discuss the Revised ERAS Proposal in detail below.

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[58] *See NRG Power Mktg., LLC v. FERC*, 862 F.3d 108, 114-15 (D.C. Cir. 2017) (discussing the Commission's authority to propose modifications to a utility's FPA section 205 rate proposal).

[59] Order No. 2003, 104 FERC ¶ 61,103 at PP 26, 827; Order No. 2023, 184 FERC ¶ 61,054 at P 1.

[60] *See, e.g.*, *Cities of Bethany v. FERC*, 727 F.2d 1131, 1136 (D.C. Cir. 1984) (*Cities of Bethany*) (when determining whether a rate was just and reasonable, the Commission properly did not consider "whether a proposed rate schedule is more or less reasonable than alternative rate designs"). Thus, having found MISO's proposal just and reasonable, we need not consider alternative proposals.

1. Resource Adequacy Concerns

a. MISO's Filing

i. Resource Adequacy Concerns

32. MISO states that, as demonstrated by its Reliability Imperative Report,[61] the 2024 OMS-MISO Survey,[62] and the North American Electric Reliability Corporation (NERC) 2024 Long-Term Reliability Assessment,[63] MISO is facing urgent near-term resource adequacy and reliability concerns.[64] MISO states that its resource adequacy concerns are driven by unexpected significant load growth from large data center development, accelerated retirements of baseload generation, increased manufacturing, queue and supply chain delays, and permitting and financing issues. MISO also anticipates long-term load growth driven by increased cooling demands, electric vehicles, and cryptocurrency.[65] MISO states that its Futures Reports[66] have demonstrated the need for

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[61] MISO, *MISO's Response to the Reliability Imperative*, Executive Summary 1 (updated Feb. 2024) (Reliability Imperative Report), https://cdn.misoenergy.org/Executive%20Summary%202024%20Reliability%20Imperative%20report%20Feb.%2021%20Final631825.pdf.

[62] OMS and MISO, *2024 OMS-MISO Survey Results* 2 (2024) (2024 OMS-MISO Survey) https://cdn.misoenergy.org/OMS%20MISO%20Survey%20Results%20Workshop%20Presentation628355.pdf.

[63] NERC, *2024 Long-Term Reliability Assessment* (2024) (NERC 2024 Long-Term Reliability Assessment), https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_Long%20Term%20Reliability%20Assessment_2024.pdf.

[64] Transmittal at 13-16.

[65] *Id.* at 6.

[66] MISO's Futures Reports include forecasted scenarios designed to capture a range of system conditions over a 20-year planning horizon. The Futures Reports provide the foundation for MISO's local and regional long-term planning and represent "multiple possibilities for future system growth, fuel availability, market conditions, and regulatory environments." *See* MISO, *Future Plan Scenarios* (Apr. 15, 2025) https://www.misoenergy.org/planning/futures-development/.

MISO to take immediate action "to add almost twice the generation that MISO currently has online" over 20 years as a result of this unprecedented load growth.[67]

33. MISO states that the recently published 2025 OMS-MISO Survey[68] found that the near-term resource adequacy risks and uncertainties that MISO faces are intensifying.[69] MISO further states that the 2025 OMS-MISO Survey indicates that at least 3.1 GW of new resources are needed by the summer of 2026/2027 to avoid a resource deficit, and that future years will have greater needs.[70] MISO states that NERC's 2025 Summer Reliability Assessment identified MISO as having an elevated potential for insufficient operating reserves in above normal conditions for the 2025 summer season.[71] MISO adds that, in comments submitted to the Commission's June 2025 Technical Conference[72] regarding resource adequacy, it explained that, despite the rapid growth of wind and solar resources in its region, by 2042, MISO could face a net decline of about 32 GW in available electricity below the 2022 baseline due to the operating characteristics of these

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[67] Transmittal at 14 (citing MISO, *MISO Futures Report Series 1A*, at 2 (Nov. 1, 2023) (MISO Futures Report), at Series1A_Futures_Report630735.pdf). MISO predicts an increase of generating capacity from 732 terawatt hours in 2022 to 1,395 terawatt hours in 2042 under the Future 3A scenario. MISO Futures Report at 3.

[68] OMS and MISO, *2025 OMS-MISO Resource Adequacy Survey Results* (2025) (2025 OMS-MISO Survey), https://cdn.misoenergy.org/20250606%20OMS%20MISO%20Survey%20Results%20Workshop%20Presentation702311.pdf

[69] Transmittal at 6 (citing OMS and MISO, *2025 OMS-MISO Resource Adequacy Survey Results*, Fact Sheet (2025 OMS-MISO Survey Fact Sheet), 20 https://cdn.misoenergy.org/2025%20OMS-MISO%20Survey%20Fact%20Sheet702641.pdf).

[70] *Id.* at 15 (citing 2025 OMS-MISO Survey Fact Sheet).

[71] *Id.* at 16.

[72] Technical Conference, *Meeting the Challenge of Resource Adequacy in RTO and ISO Regions*, Docket No. AD25-7-000 (June 4-5, 2025) (June 2025 Technical Conference) (Day 1 https://www.ferc.gov/news-events/events/day-1-commissioner-led-technical-conference-regarding-challenge-resource) (Day 2 https://www.ferc.gov/news-events/events/day-2-commissioner-led-technical-conference-regarding-challenge-resource).

resources.[73] MISO explains that it also highlighted projections that peak load in the region is expected to grow at a 1.6% compound annual growth rate and therefore threatens to outpace the addition of new generating facilities if urgent action is not taken.

34. MISO explains that it has pursued numerous avenues to address its near-term resource adequacy issues, including improving the GIP, implementing a queue cap, and making other queue improvements; however, these updates are unable to address or fill the identified near-term resource gap.[74] MISO adds that the recent queue improvements (i.e., those for increased milestone payments, site control requirements, withdrawal penalties, and the queue cap) are focused on long-term improvements to MISO's queue, and they will not be sufficient to address near-term resource adequacy needs.[75] MISO also asserts that, while interconnection customers can use provisional GIAs to achieve timely interconnection, that process is insufficient to address the need that MISO is facing, both in terms of scale and time frame.[76] MISO states that provisional interconnection service only provides for limited operation and is conditional on DPP studies for full deliverability. MISO states that DPP studies may not be available to recognize the new capacity and may still take years to finalize. MISO further notes that there may be risks associated with having a provisional GIA if the interconnection request is dependent on other interconnection requests in the queue, which may never reach commercial operation due to a lack of an off-taker or load to serve.[77] MISO states that some of the benefits of a provisional GIA are incorporated into ERAS, including increased financial commitments and an expedited timeline.[78] Finally, MISO asserts that only the proposed ERAS process will result in an EGIA that identifies all network upgrades on the MISO transmission system that are necessary to provide deliverability across the transmission system.

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[73] Transmittal at 15 (citing Comments of Todd Ramey, MISO, June 2025 Technical Conference, at 2 (filed May 28, 2025)). *See also* MISO Futures Report at 19.

[74] Transmittal at 36.

[75] *Id.* at 46 n.202.

[76] Witmeier Testimony at 19.

[77] *Id.* at 19-20.

[78] *Id.* at 20.

ii. Revised ERAS Proposal

35. MISO states that ERAS was developed in coordination with its stakeholders to address resource adequacy and reliability needs.[79] MISO further states that because its region is largely comprised of vertically integrated utilities, which are responsible for serving load within their service territories, MISO must partner with the states, their RERRAs, and LSEs to provide a way for the generation necessary for resource adequacy or reliability to be completed quickly.[80] MISO further explains that to incorporate the important jurisdictional interplay among the role of states, other RERRAs, and the Commission, the states in MISO have independent authority for resource adequacy. Due to this, MISO states that its ERAS proposal provides a vehicle for RERRAs to verify to MISO that there is a valid, new incremental load addition not identified in other resource plans or that the proposed generating facility will address an identified resource adequacy deficiency (RERRA verification).[81] MISO states that, following the May 2025 Order, it worked with stakeholders to address concerns about ERAS implementation and to address the Commission's guidance, which has resulted in the Revised ERAS Proposal.[82]

36. MISO proposes various eligibility requirements for interconnection requests seeking interconnection service through ERAS that must be met at the time of an application submission. MISO asserts that the proposed eligibility requirements reflect stakeholder feedback and additional analysis to ensure that a project could efficiently move through the study process while still being considered ready to commence construction, or "shovel ready."[83] MISO proposes the following eligibility requirements for an ERAS interconnection request:[84]

a. New capacity requesting NRIS service must identify the claimed resource adequacy and/or reliability need for which the interconnection request is being submitted and must include: (1) the location of any load to be served (e.g., county and state, electrical bus location(s), and the local resource

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[79] Transmittal at 18-19.

[80] *Id.* at 13.

[81] *Id.* at 9.

[82] *Id.* at 25.

[83] Witmeier Testimony at 40.

[84] *Id.* at 40-41; Transmittal at 8, 36-39.

zone[85]) because a generating facility must be in the same local resource zone as the load to be served unless the identified need is included in a resource filing made to the RERRA; and (2) the peak demand for electricity expected over any one-hour period in MWs (the amount of interconnection service requested must not exceed 150% of the identified MW need).

b. Demonstration of a resource adequacy need through each of the following:

   i. A written verification from the RERRA that either:

      1. The new, incremental load addition is valid and not otherwise included in a resource plan or other process under the purview of the RERRA;

      2. The generating facility will address a resource adequacy deficiency as determined by the RERRA, state, LSE, or interconnection customer and can be supported by a range of documentation; or

      3. For a generating facility that will address a resource adequacy deficiency and serves retail choice load or a retail choice state (i.e., Illinois or Michigan), the interconnection customer will not be required to provide a RERRA verification, but the RERRA will have an opportunity to contest the interconnection request's inclusion in ERAS; and

   ii. An executed agreement evidencing that the proposed generating facility is intended to be used by the entity with the claimed resource adequacy or reliability need.

c. A non-refundable deposit (D1) of $100,000 and a refundable milestone payment (M2) of $24,000 per MW.

d. 100% site control for both the generator and interconnection customer's interconnection facilities.

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[85] Local Resource Zone is proposed to mean "a geographic area within the Transmission Provider Region that is prescribed by the Transmission Provider, based upon the criteria in Section 68A.3, to address congestion that limits Planning Resource deliverability." MISO, Proposed Tariff, attach. X (GIP) (175.0.0), § 1 (Definitions).

e. A requested commercial operation date that is no more than three years from the date of submission of an interconnection request, unless the interconnection request is deferred to a later ERAS quarterly study period.

37. MISO states that, in response to the Commission's findings in the May 2025 Order, it proposes requirements for an ERAS interconnection request to be located in the same Local Resource Zone as the resource adequacy or reliability need that it will address.[86] MISO states that adding this requirement better establishes a nexus between the load need and the ERAS interconnection request. MISO asserts that including this requirement will ensure that the proposed generating facility supports Local Clearing Requirements, which is the minimum amount of seasonal accredited capacity for a Local Resource Zone that is required to meet its seasonal loss of load expectation,[87] and will prevent the proposed generating facility from driving import or export concerns. MISO further asserts that requiring the interconnection request to serve a local load will negate the need for transmission investment, reduce import needs from other Local Resource Zones, and remove price divergences between load and generation.[88] MISO states that it will allow an ERAS interconnection request to be located in a different Local Resource Zone than the load it will address if the ERAS interconnection customer can demonstrate that the use of the proposed ERAS generating facility was included in a resource filing or other submission made to the RERRA.[89]

38. MISO explains that, under the current DPP process, an interconnection request may not become commercially operational for up to 11 years after the initial submission.[90] MISO argues that given the urgent near-term resource adequacy needs in

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[86] Transmittal at 32.

[87] MISO defines Local Clearing Requirements as "The minimum amount of Seasonal Accredited Capacity for [a local resource zone] that is required to meet its LOLE for each Season while fully using the Zonal Import Ability for such [local resource zone] and accounting for controllable exports." *See* MISO, FERC Electric Tariff, § II, Module A, § 1 (Definitions-L) (47.0.0).

[88] Witmeier Testimony at 61.

[89] Transmittal at 33.

[90] Witmeier Testimony at 47. Specifically, Mr. Witmeier testifies that the maximum of 11 years can occur because: (1) a DPP interconnection customer may request a commercial operation date up to five years from the submission of the interconnection request; (2) during GIA negotiations, the commercial operation date may be extended up to three years based on specific circumstances set forth in GIP

its region, another mechanism is needed to ensure that ERAS generating facilities come online as soon as possible. MISO states that ERAS generating facilities will continue to have the additional three-year grace period from the commercial operation date listed in Appendix B of the EGIA to become commercially operational that is currently provided to interconnection customers under MISO's *pro forma* GIA.[91] MISO asserts that, in conjunction with the other eligibility requirements, the commercial operation date requirements will ensure that only "shovel ready" projects are submitted.[92]

b. Responsive Pleadings

i. Comments in Support

39. The Arkansas Governor, Indiana Governor, Louisiana Governor, Mississippi Governor, and Missouri Governor submitted comments in support of MISO's filing as a necessary temporary measure to address resource adequacy concerns. In their respective comments, the Governors cite concerns over resource adequacy that they believe the Revised ERAS Proposal will address, including unprecedented load growth, accelerated resource retirements, and delays in new resource additions.[93]

40. Several commenters assert that ERAS is necessary to address near-term resource adequacy needs in the MISO footprint.[94] In particular, several commenters argue that the

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section 4.4.4; and (3) MISO's *pro forma* GIA permits a three-year grace period for generating facilities to achieve commercial operation. *Id.*

[91] Transmittal at 50; Witmeier Testimony at 47. The proposed GIP states that the EGIA "shall take the form of MISO's *pro forma* GIA modified for the [ERAS]." MISO, Proposed Tariff, attach. X (GIP) (175.0.0), § 1 (Definitions).

[92] Witmeier Testimony at 31.

[93] Arkansas Governor Comments at 1; Indiana Governor Comments at 1; Louisiana Governor Comments at 1; Mississippi Governor Comments at 1; Missouri Governor Comments at 1.

[94] AECS Comments at 4; Ameren Comments at 1, 3; Arkansas Commission Comments at 3; Big Rivers Electric Comments at 3; CenterPoint Comments at 1, 4; Consumers Energy Comments at 2-3; Duke Energy Indiana Comments at 2; Entergy/Cleco/Cooperative Energy Comments at 9-10; ITC Comments at 3; Louisiana and Mississippi Commissions Comments at 5; Midwest TDUs Comments at 3-4; MISO TOs Comments at 3; Wisconsin Utilities Comments at 4; Texas Commission Comments at 13.

accelerated review of urgently needed, "shovel ready" projects will help alleviate near-term resource adequacy needs.[95]

41. Several commenters cite concerns about the ability of MISO's DPP process to effectively meet resource adequacy needs and claim that ERAS provides an alternative mechanism to meet such needs.[96] Illinois Commission asserts that these queue problems will likely be compounded by rapid new load growth, especially resulting from the development of data centers throughout the region.[97]

42. Several commenters state that there is an urgent need to address resource adequacy and reliability challenges due to rapid load growth and that the ERAS process is a measure to address such large load growth.[98] More specifically, Big Rivers Electric and MISO TOs cite concerns over resource adequacy driven by a combination of electrification, a resurgence in manufacturing, rapidly growing demand from energy-intensive data centers, accelerated generating facility retirement, and a growing shift toward low or zero-carbon technologies.[99] MISO TOs and the Missouri Commission also note that ERAS can help address resource adequacy needs related to accelerated retirements.[100] Several commenters also state that they expect significant increases in demand on MISO's transmission system because of potential state and

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[95] AECS Comments at 4; Big Rivers Electric Comments at 3; CenterPoint Comments at 1; Entergy/Cleco/Cooperative Energy Comments at 9-10; ITC Comments at 3; Louisiana and Mississippi Commissions Comments at 5; Midwest TDUs Comments at 3-4; MISO TOs Comments at 3.

[96] AECS Comments at 2-3; Ameren Comments at 2; CenterPoint Comments at 4; Entergy/Cleco/Cooperative Energy Comments at 7-8; Illinois Commission Comments at 6; Louisiana and Mississippi Commissions Comments at 5; Midwest TDUs Comments at 3-4; Otter Tail Comments at 4.

[97] Illinois Commission Comments at 6-7.

[98] AECS Comments at 2-3; Ameren Comments at 1, 3-4; CenterPoint Comments at 4; Entergy/Cleco/Cooperative Energy Comments at 7-8; Louisiana and Mississippi Commissions Comments at 5; Missouri Commission Comments at 3.

[99] Big Rivers Electric Comments at 2; MISO TOs Comments at 12.

[100] MISO TOs Comments at 12; Missouri Commission Comments at 3.

regional economic growth opportunities in the form of large-scale industrial, manufacturing, and technology-driven projects.[101]

43. ITC and NIPSCO cite to expected capacity shortfalls predicted in the OMS-MISO Survey and the NERC Long-Term Reliability Assessment and Summer Reliability Assessment as evidence that MISO is facing significant resource adequacy risks in the near-term and as justification for the Revised ERAS Proposal. MISO TOs also cite to the OMS-MISO Survey's findings that at least 3.1 GW of additional capacity beyond committed capacity will be needed to meet the projected planning reserve margin forecast.[102] ITC also cites rising summer temperatures as a concern for reliability.[103]

44. DTE Electric asserts that MISO's Revised ERAS Proposal is a reasonable, well-intentioned resource adequacy stop-gap measure designed to shore up emergent needs across the MISO footprint.[104] Furthermore, DTE Electric asserts that this proactive planning measure is just and reasonable and will serve MISO's footprint effectively and efficiently in the near term because it is limited, flexible, and transparent.

45. The Indiana Energy Association argues that the Revised ERAS Proposal is a necessary and balanced approach to meeting the resource adequacy challenges of growing complexity in the energy landscape and ensuring resources are available to meet immediate and future demand.[105]

46. CenterPoint argues that the Revised ERAS Proposal provides a reasonable and appropriate tool to address potential unprecedented customer demand growth, the need to replace retired and retiring generation resources in a manner that does not compromise resource adequacy and reliability on the MISO transmission system, and existing delays and bottlenecks in MISO's current interconnection study process caused by an unprecedented number of interconnection requests.[106] Additionally, CenterPoint asserts that MISO's Revised ERAS Proposal is intentionally designed with significant

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[101] CenterPoint Comments at 4-5; Louisiana and Mississippi Commissions Comments at 5; NIPSCO Comments at 4.

[102] MISO TOs Comments at 12.

[103] ITC Comments at 4; NIPSCO Comments at 3.

[104] DTE Electric Comments at 4.

[105] Indiana Energy Association Comments at 2.

[106] CenterPoint Comments at 6-7.

safeguards to allow ERAS to meet urgently needed resource adequacy and reliability needs while preventing abuse of the ERAS process simply to avoid MISO's DPP.

47. Although Vistra and Michigan Commission filed protests to the Revised ERAS Proposal, they agree with MISO that there are urgent resource adequacy needs in MISO's footprint and generally agree that has MISO has made a good faith effort to create a solution.[107] Michigan Commission asserts that the Revised ERAS Proposal appropriately narrows the ERAS framework to address the Commission's concerns by requiring the identification of a specific load addition or resource adequacy deficiency.[108]

ii. Protests

(a) MISO's Identified Need

48. Several protesters argue that the studies that MISO relies on overstate the short-term risks and ignore near-term solutions in the existing queue, such as existing interconnection requests with signed GIAs or interconnection requests that can use the provisional GIA process.[109] Clean Energy Associations argue that MISO's reliance on the 2025 OMS-MISO Survey is flawed, similar to the Initial ERAS Proposal's reliance on the 2024 OMS-MISO Survey, which included an alternate projection that showed a surplus of 2.9 GW spring capacity in the 2025-2026 planning year.[110] Clean Energy Associations assert that the 2025 OMS-MISO Survey projects that MISO may need 3.1 GW of new resources by 2026/2027 and that MISO's queue and market reforms,

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[107] Vistra Protest at 5, 7; Michigan Commission Protest at 7.

[108] Michigan Commission Protest at 7 (citing Transmittal at 27-30).

[109] Clean Energy Associations Protest at 24; Clean Grid Alliance Protest at 9, 34-35; PIOs Protest at 29. *See also* Clean Energy Associations Protest, Ex. A; Clean Energy Associations Protest, Docket No. ER25-1674-000, at 48 (filed Apr. 7, 2025) (Clean Energy Associations Docket No. ER25-1674 Protest); MISO IPPs Protest, attach. A, MISO Independent Power Producers Protest, Docket No. ER25-1674-000, at 3-5, 26-29 (filed Apr. 7, 2025) (MISO IPPs Docket No. ER25-1674 Protest); MISO IPPs Protest, attach. B; NextEra Energy Resources, LLC Protest, Docket No. ER25-1674-000 (filed Apr. 7, 2025) (NextEra Docket No. ER25-1674 Protest; NextEra Docket No. ER25-2674 Protest at Ex. A-1, The Brattle Group Report, at 14-15 (2025 Brattle Group Report); PIOs Protest, attach. A, Public Interest Organizations Protest, Docket No. ER25-1674-000, at 28-35 (filed June 16, 2025) (PIOs Docket No. ER25-1674 Protest).

[110] Clean Energy Associations Protest at 25-26 (citing 2024 OMS-MISO Survey at 21).

improved resource deployment timelines, and other initiatives will help MISO maintain resource adequacy through 2031.[111] Clean Energy Associations further assert that the 2025 OMS-MISO Survey used new projections that showed a potential surplus between 1.4-6.1 GW in accredited capacity against the planning reserve margin requirement for both the winter and summer seasons, which further suggests that LSEs may have adequate resources to meet load reserve requirements in each zone over a five-year horizon.[112] Clean Energy Associations contend that the 2025 OMS-MISO Survey demonstrates that MISO's current trajectory can maintain resource adequacy and can achieve surplus capacity without ERAS.[113] Clean Grid Alliance also argues that MISO's reference to its own reports and comments in the June 2025 Technical Conference are insufficient to support its Revised ERAS Proposal.[114]

49. Several protesters argue that MISO's independent market monitor (IMM) has also affirmed their concerns that MISO's near-term resource adequacy needs are overstated.[115] Clean Energy Associations assert that the IMM stated that MISO is more than resource adequate going into the summer of 2025 and does not have substantial concerns about the MISO region in the near term.[116] Clean Grid Alliance further points out that the IMM stated that MISO's risks are "not nearly as daunting as portrayed by MISO planning reports."[117] Clean Energy Associations and PIOs further state that the IMM found that MISO planning reports and the NERC 2024 Long-Term Reliability Assessment significantly understate available capacity by failing to fully account for demand response, behind-the-meter generation, and firm capacity imports – where MISO has more than 8 GW of underrecognized capability.[118] PIOs add that MISO's reliance on the Commission's 2025 Summer Energy Market and Electric Reliability Assessment, as well

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[111] *Id.* at 26 (citing 2025 OMS-MISO Survey at 2).

[112] *Id.* (citing 2025 OMS-MISO Survey at 7, 9).

[113] *Id.* at 26-27.

[114] Clean Grid Alliance Protest at 7-8.

[115] *Id.* at 8; Clean Energy Associations Protest at 27-29; PIOs Protest at 27-29.

[116] Clean Energy Associations Protest at 27 (citing Comments of David B. Patton, Ph.D., MISO Independent Market Monitor, June 2025 Technical Conference, at 2 (filed May 28, 2025) (Patton Technical Conference Comments)).

[117] Clean Grid Alliance Protest at 8.

[118] Clean Energy Associations Protest at 27-28 (citing Patton Technical Conference Comments at 2); PIOs Protest at 28 (citing same).

as the 2025 OMS-MISO Survey, are vulnerable to the same flaws pointed out by the IMM because such reports are based largely on the flawed NERC 2024 Long-Term Reliability Assessment.[119] PIOs also contend that MISO leans on historical interconnection rates, which do not reflect the various queue reforms the Commission has recently approved for MISO.

50. Several protesters argue that in analyzing near-term resource adequacy needs, MISO fails to consider its existing DPP, which they believe are adequate to meet MISO's near-term resource adequacy and reliability concerns.[120] Specifically, protesters aver that MISO ignores the 56 GW of generation in the DPP queue with GIAs, which are expected to come online before ERAS interconnection requests.[121] Additionally, PIOs assert that MISO fails to recognize that existing DPP interconnection requests may be able to meet its resource adequacy and reliability needs. PIOs claim that even if only 21% of the current DPP interconnection requests reach GIAs, then more than 64 GW of new capacity would have signed GIAs before ERAS is complete.[122] Protesters also point to MISO's existing provisional GIA process,[123] as well as its surplus interconnection and replacement generating facility processes,[124] as alternative processes that will help MISO meet its resource adequacy needs, which MISO fails to take into consideration. Clean Grid Alliance and PIOs also contend that MISO has demonstrated through its new automation software, Pearl Street's Suite of Unified Grid Analysis and Renewables (SUGAR), that the amount of time for an interconnection request to receive a GIA has been reduced to months, which undermines MISO's claims regarding the timing of DPP interconnection requests.[125]

51. Protesters therefore assert that MISO's capacity needs can be addressed by fully leveraging the resources already in the queue, improving interconnection timelines, and

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[119] PIOs Protest at 28 (citing, among others, FERC, *Summer Energy Market and Electric Reliability Assessment* (May 15, 2025), https://www ferc.gov/newsevents/news/ferc-releases2025-summer-assessment).

[120] Clean Energy Associations Docket No. ER25-1674 Protest at 50; NextEra Docket No. ER25-1674 Protest at 5.

[121] Clean Grid Alliance Protest at 9; PIOs Docket No. ER25-1674 Protest at 29-32.

[122] PIOs Protest at 31.

[123] Clean Grid Alliance Protest at 5-6.

[124] PIOs Protest at 29.

[125] *Id.* at 32; Clean Grid Alliance Protest at 9.

prioritizing surplus projects already in the interconnection queue that have on-shored their supply chains, making the ERAS proposal unnecessary.[126] Relatedly, Illinois Commission states that MISO should focus on improving the effectiveness and expeditiousness of the DPP queue, and ERAS should not be allowed to evolve into a second, parallel interconnection queue.[127]

52. Constellation asserts that the Revised ERAS Proposal does not address the Commission's concerns that ERAS is not narrowly tailored to only include interconnection requests capable of addressing identified near-term resource adequacy or reliability needs.[128]

(b) <u>Commercial Operation Date</u>

53. Clean Energy Associations assert that the Revised ERAS Proposal is not sufficiently tailored to ensure that only those resources capable of addressing identified near-term resource adequacy or reliability needs are eligible because of the commercial operation date.[129] Clean Energy Associations argue that the Revised ERAS Proposal does not address near-term issues because: (1) the requirement that the commercial operation date be achieved within three years can be extended if the interconnection request is deferred to a later quarterly study period, and (2) the three-year grace period further extends the commercial operation deadline. Clean Energy Associations thus assert that ERAS interconnection requests may come online as late as 2033. In response to MISO's contention that the commercial operation date provisions are necessary to account for delays outside of MISO's control, Clean Energy Associations assert that MISO has failed to tailor the aspects of its proposal that are within its control, such as using an ongoing quarterly study process rather than a one-time study.[130]

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[126] Clean Energy Associations Protest at 28; Clean Grid Alliance Protest at 3, 9, 34, 41; PIOs Protest at 29-32.

[127] Illinois Commission Comments at 7.

[128] Constellation Protest at 2-4.

[129] Clean Energy Associations Protest at 9.

[130] *Id.* at 9-10 (citing Transmittal at 13, 36).

54. Several protesters contend that the problem is the supply chain and not MISO's DPP, because all interconnection customers rely on the same supply chains.[131] Clean Grid Alliance further contends that these universal supply chain issues are evidenced by MISO's commercial operation date blanket waiver filed at the Commission in recent years.[132] These protesters argue that ERAS interconnection requests may still face these challenges and may not achieve commercial operation any faster than DPP interconnection requests.[133] According to Clean Energy Associations, the ERAS process may compound these issues for DPP interconnection customers if the ERAS interconnection customers deplete existing resources.[134] Clean Energy Associations assert that, while these delays may be beyond MISO's control, MISO's attention would be better suited to understanding and addressing those issues than the ERAS process. NextEra further argues that a lack of requirements or criteria for prioritizing resources that use existing transmission capacity or minimize the need for new network upgrades will make ERAS more susceptible to ongoing supply chain delays or may increase the time and costs for constructing required network upgrades; may constrain MISO staff resources; and/or may increase the risk of ERAS interconnection customers dropping out due to high network upgrade costs or long network upgrade construction schedules.[135]

55. Several protesters argue that the Revised ERAS Proposal is not appropriately tailored to timely meet MISO's resource adequacy needs because the commercial operation deadline requirements are too far out into the future.[136] COMPP contends that

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[131] Clean Energy Associations Docket No. ER25-1674 Protest at 46-47; Clean Grid Alliance Protest at 2; MISO IPPs Docket No. ER25-1674 Protest at 28; NextEra Docket No. ER25-1674 Protest at 25.

[132] Clean Grid Alliance Protest at 2. *See also Midcontinent Indep. Sys. Operator, Inc.*, 176 FERC ¶ 61,161 (2021) (granting waiver of the Tariff to allow a one or two-year extension of the commercial operation deadline for certain interconnection requests in MISO's August 2017 DPP West study group).

[133] Clean Energy Associations Docket No. ER25-1674 Protest at 46-47; MISO IPPs Docket No. ER25-1674 Protest at 28; NextEra Docket No. ER25-1674 Protest at 25; 2025 Brattle Group Report at 26.

[134] Clean Energy Associations Docket No. ER25-1674 Protest at 47.

[135] 2025 Brattle Group Report at 26.

[136] Clean Energy Associations Docket No. ER25-1674 Protest at 46; COMPP Protest at 4; Invenergy Protest at 9-10; Michigan Commission Protest 12-14; MISO IPPs Docket No. ER25-1674 Protest at 28; NextEra Docket No. ER25-1674 Protest at 21-22

the Revised ERAS Proposal does not address the Commission's concerns in the May 2025 Order and allows for ERAS interconnection requests to achieve commercial operation as late as 2035, when MISO forecasts a resource adequacy shortfall occurring between 2027 and 2030.[137] Similarly, Invenergy avers that the Revised ERAS Proposal weakens shovel readiness because the commercial operation date requirements would allow interconnection requests to be achieve commercial operation by as late as 2033.[138] MISO IPPs similarly argue that, instead of a three-year grace period, ERAS interconnection requests should be subject to higher penalties for delay or withdrawal than the DPP queue because they are given priority treatment in the ERAS process.[139] Michigan Commission additionally asserts that the Revised ERAS Proposal does not provide a stronger link between the interconnection request and the resource adequacy need because the Revised ERAS Proposal retains the three-year grace period for the commercial operation deadline, which does not narrowly tailor ERAS to only shovel-ready projects capable of meeting near-term resource adequacy challenges.[140] Michigan Commission argues that a three-year grace period, in addition to a three-year commercial operation date requirement for ERAS interconnection requests, is too long given the need for the addition of generating capacity by 2030 and belies the notion of the projects being "shovel ready," in contradiction to ERAS' stated purpose. Michigan Commission states that it is unclear why MISO appears reluctant to either eliminate the grace period or reduce it to one year and allow the Commission waiver process to handle longer lead time requests.

56. PIOs argue that MISO's Revised ERAS Proposal contains conflicting language with respect to the three-year grace period of the commercial operation date.[141]

(citing MISO Transmittal, Docket No. ER25-1674-000 at 21); PIOs Docket No. ER25-1674 Protest at 40-41.

[137] COMPP Protest at 4 (citing May 2025 Order, 191 FERC ¶ 61,131 at P 202). According to COMPP, MISO changed GIP section 4.4.4 to extend commercial operation deadlines for backlogged interconnection requests due to transmission owner construction delays by an additional 2.5 years beyond the three-year grace period, and some of these same transmission owners are seeking to interconnect generating facilities through ERAS. *Id.* n.7. *See Midcontinent Indep. Sys. Operator, Inc.*, 191 FERC ¶ 61,150 (2025).

[138] Invenergy Protest at 9-10.

[139] MISO IPPs Docket No. ER25-1674 Protest at 28.

[140] Michigan Commission Protest at 12-14.

[141] PIOs Protest at 37-38.

According to PIOs, MISO's transmittal states that "[a]ll ERAS projects are eligible to use the grace period of up to three years as documented in GIA Article 2.3.1." However, PIOs assert that Article 2.3.1 of the proposed *pro forma* EGIA does not directly describe a grace period, but instead refers to GIP section 4.4.4, which sets out the potential for a three-year grace period. Meanwhile, PIOs assert, the revised Tariff states that "[a]fter entering [ERAS], no changes to the In-Service Date or Commercial Operation Date of the Generating Facility is permitted via section 4.4.4."[142]

(c) <u>RERRA Verification Requirement</u>

57. Clean Energy Associations and EPSA aver that the RERRA verification does little to link the proposed ERAS interconnection request to the identified resource adequacy or reliability need.[143] Clean Energy Associations assert that the RERRA verification amounts to speculation by a group of states and local agencies that do not coordinate on resource adequacy and do not have the authority to determine the resource adequacy or reliability needs for the MISO-controlled transmission system.[144] Clean Energy Associations assert that proposed GIP section 3.9.1.1.ii allows projects to qualify based on support from a state integrated resource plan or similar mechanism, which directly contradicts the RERRA verification requirement in GIP section 3.9.1.1.i that an interconnection request not already be accounted for in an existing plan or procedure.[145] Clean Energy Associations further argue that the new provision that allows interconnection requests to bypass the Local Resource Zone requirement if an identified need appears in a RERRA's integrated resource plan or comparable document is similarly contradictory.

58. PIOs argue that despite MISO's proposal to change the RERRA requirement from a notification to a verification, it does not require the RERRA to explain its decision and how it compared similarly situated projects to choose the one best positioned to meet near-term resource adequacy needs.[146] PIOs add that nothing in the ERAS process requires a RERRA to consider whether a resource currently in the DPP is better suited to

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[142] *Id.* at 38 (citing MISO, Proposed Tariff, attach. X (GIP) (175.0.0), § 3.9.8).

[143] Clean Energy Associations Protest at 11; EPSA Comments at 3.

[144] Clean Energy Associations Protest at 11.

[145] *Id.* at 11-12.

[146] PIOs Protest at 23 (quoting May 2025 Order, 191 FERC ¶ 61,131, (See, Comm'r, consenting at P 6).

meet the identified need.[147] PIOs contend that the first option for the RERRA verification focuses only on the load and not on the generation.

59. EPSA asserts that the Revised ERAS Proposal does not require RERRAs or others to explain why a given interconnection request is best positioned to meet near-term resource adequacy needs.[148] EPSA avers that the RERRA verification process is not objective or transparent enough to ensure that the interconnection requests are essential to addressing resource adequacy and reliability gaps.[149]

60. Several protesters argue that the Revised ERAS Proposal lacks specific criteria for how a RERRA will determine that a resource adequacy need exists and whether ERAS is necessary to meet such need.[150] Further, Invenergy argues that the proposal risks excluding projects that are best suited to meet resource adequacy needs.[151] Invenergy contends that the Revised ERAS Proposal is not narrowly tailored to resource adequacy needs because it lacks objective scoring criteria that the RERRAs will apply, such as was included in PJM Interconnection L.L.C.'s (PJM) Reliability Resource Initiative (RRI).[152] Similarly, EPSA contends that a more clear and specific qualitative scoring mechanism and/or selection process, such as part of the Interconnection Process Enhancements (IPE) that the Commission recently accepted for California Independent System Operator Corporation (CAISO), should be included in the Revised ERAS Proposal to ensure that resources proffered by RERRAs and the states are in fact essential to meet reliability and resource adequacy needs.[153] Invenergy asserts that MISO has not explained how an interconnection request will be evaluated, how a RERRA will target the most essential interconnection requests to address resource adequacy and reliability challenges, or how a

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[147] *Id.* at 24.

[148] EPSA Comments at 3.

[149] *Id.* at 3, 6-7.

[150] Clean Energy Associations Docket No. ER25-1674 Protest at 44-45 (citing January 2024 Order, 186 FERC ¶ 61,054 at P 174); Invenergy Protest at 10; 2025 Brattle Group Report at 28.

[151] Invenergy Protest at 14.

[152] *Id.* at 10 (citing *PJM Interconnection, L.L.C.*, 190 FERC ¶ 61,084 (2025) (PJM RRI Order), (Phillips and Rosner, Comm'rs consenting at P 1)).

[153] EPSA Comments at 3, 7 (citing *Cal. Indep. Sys. Operator Corp.*, 188 FERC ¶ 61,225, at P 173 (2024) (CAISO IPE Order) (accepting amendments to the LGIP in CAISO's tariff)).

RERRA will compare interconnection requests to determine which are best positioned to meet near-term resource adequacy and reliability needs.[154]

61. Constellation argues that the new RERRA verification requirements exacerbate the problems that the Commission highlighted in the May 2025 Order.[155] Constellation asserts that the Revised ERAS Proposal's requirement that, in non-retail-choice states, RERRAs verify specific load additions that projects will support is illusory because the verification "may take any form that works for a specific state."[156] Constellation contends that any number of interconnection requests can meet an identified need, resulting in a RERRA connecting load growth to an interconnection request with little effort.[157] Constellation asserts that, without objective and transparent standards, a RERRA may reject or accept any given interconnection request for inclusion in ERAS because each RERRA will have the exclusive discretion to decide inclusion. Thus, Constellation avers that the Revised ERAS Proposal does not provide objective criteria for RERRA verification to ensure that interconnection requests are best suited to quickly and efficiently meet identified resource adequacy and reliability needs.

(d) <u>Other ERAS Eligibility Criteria</u>

62. Protesters raise several other arguments for why they believe the proposed ERAS eligibility requirements and framework are not tailored to achieve MISO's stated objectives of meeting near-term resource adequacy and reliability needs. PIOs and Invenergy contend that MISO's proposed requirements for site control and NRIS may help to prevent speculative interconnection requests but do not ensure that "shovel ready" interconnection requests enter the ERAS process, such as evidence that major equipment or project permits have been sought or secured.[158] PIOs further contend that because ERAS interconnection customers will be competing with DPP interconnection customers for parts, labor, and necessary services, ERAS interconnection requests are likely to add to the challenges interconnection customers are already facing in getting resources to achieve commercial operation.[159] Invenergy further asserts that the Revised ERAS

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[154] Invenergy Protest at 10-11 (citing May 2025 Order, 191 FERC ¶ 61,131 (See, Comm'r, consenting at P 6)).

[155] Constellation Protest at 2-3.

[156] *Id.* at 3 (citing Transmittal at 30).

[157] *Id.* (citing Transmittal at 13-18).

[158] Invenergy Protest at 9; PIOs Protest at 26.

[159] PIOs Protest at 26.

Proposal is not narrowly tailored due to is lack of objective criteria for interconnection requests to demonstrate shovel readiness.[160] Vistra asserts that the shortened timeline for the initial quarterly study period will likely limit independent power producer interconnection requests to smaller, less capital-intensive projects in order to meet the timeline, thus reducing their ability to meet regional resource adequacy needs.[161] Additionally, Constellation asserts that the serial nature of the ERAS study process means that interconnection requests will be studied on a first-come, first-served basis, which, Constellation contends, will have no bearing on an interconnection request's resource adequacy benefits.[162] According to Constellation, the quarterly study period will exclude interconnection requests within the same study area or impacting the same constraint, which may also harm resource adequacy.

63. Clean Grid Alliance asserts that MISO has not demonstrated how its proposal to study 68 ERAS interconnection requests will solve the claimed generating capacity shortfall or match such interconnection requests to locations where there are claimed needs.[163] Clean Grid Alliance argues that this contrasts with MISO's DPP queue cap, which has a "tether" based on non-coincident peak projections. Clean Grid Alliance further asserts that the Revised ERAS Proposal is not narrowly tailored because, unlike PJM RRI, ERAS will be processed in a separate queue.[164] PIOs contend that MISO's Revised ERAS Proposal, for which the closest comparison is the PJM RRI construct, includes a larger cap than PJM RRI despite MISO having less need for expedited interconnection than PJM.[165] Invenergy argues that MISO's proposed ERAS cap is untethered to resource adequacy or reliability needs due to its lack of scoring criteria.[166] Invenergy further argues that MISO's proposed carve out for independent power producers is not tied to any resource adequacy need or criteria, and as such, MISO may accept all 10 of the allotted independent power producer submissions in the first few

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[160] Invenergy Protest at 3, 8-9.

[161] Vistra Protest at 10.

[162] Constellation Protest at 3-4.

[163] Clean Grid Alliance Protest at 23-24.

[164] *Id.* at 26.

[165] PIOs Protest at 19 (citing FERC, *2024: State of the Markets Staff Report* (Mar. 20, 2025), at 28 (Figure 17)).

[166] Invenergy Protest at 13.

cycles regardless of whether later submitted interconnection requests could better meet an identified need.

iii. Answers

(a) MISO Answer

64. MISO reiterates that there is significant evidence supporting its stated resource adequacy and reliability needs.[167] MISO points to statements made by Commission Chairman Mark Christie, provided during the June 2025 Technical Conference on resource adequacy, that MISO has lost 95 GW of accredited capacity and that load driven by data centers is increasing.[168] At the conference, MISO stated that it is resource adequate today, but that it is also working to slow the decline of other resources in its footprint and that more work is needed to arrest this decline and maintain capacity.[169] MISO recognizes that there was a spectrum of perspectives on the imminency of resource adequacy needs expressed at the conference, but MISO asserts that the general consensus was that MISO's queue is backlogged, retirements are outpacing additions, and load growth is increasing in the near-term. MISO emphasizes that these challenges are being experienced by RTOs/ISOs across the United States.[170]

65. MISO acknowledges that NERC has downgraded the MISO region's risk category for capacity shortfalls to "elevated risk" in the corrected NERC 2024 Long-Term Reliability Assessment, but MISO asserts that this new risk category places the MISO region at the same risk level as the PJM and CAISO regions, both of which recently proposed similar expedited generator interconnection queue processes through the RRI and IPE initiatives, respectfully.[171] MISO states that the corrected NERC 2024

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[167] MISO Answer at 5.

[168] *Id.* at 5-6 (citing June 2025 Technical Conference, Day 2, Panel 5 at 2:00-4:00).

[169] *Id.* at 5-6 (citing June 2025 Technical Conference, Day 2, Panel 5, at 4:00-5:30).

[170] *Id.* at 6 (citing PJM Pre-filed Statement of Manu Asthana, June 2025 Technical Conference, at 2-3 (filed May 20, 2025); Pre-filed Statement of Elliott Mainzer, CAISO, June 2025 Technical Conference, at 7-9 (filed May 28, 2025); Pre-filed Statement of Pallas Lee Van Schaick, ISO-NE External Market Monitor and NYISO Market Monitoring Unit, June 2025 Technical Conference, at 2-4 (filed May 28, 2025); Pre-filed Statement of Gordon van Welie and Stephen George, ISO-NE, June 2025 Technical Conference, at 2-4 (filed May 28, 2025)).

[171] *Id.* (citing NERC, *Statement on NERC's 2024 Long-Term Reliability Assessment* (June 17, 2025) (NERC Statement on 2024 Long-Term Reliability

Long-Term Reliability Assessment places the MISO region into the "high risk" category during the 2028-2031 timeframe, and MISO asserts that this supports its claim that it has imminent resource adequacy and reliability needs. In addition, MISO states that the NERC 2025 Summer Reliability Assessment, which was not impacted by NERC's correction, found that the MISO region has potential for insufficient operating reserves in above-normal conditions.[172]

66. MISO also disagrees with protesters' assertions that the 2024 and 2025 OMS-MISO Surveys do not support the Revised ERAS Proposal.[173] MISO states that there is a general trend of declining generation additions, increased generation retirements, and unexpected large spot load development in the near term; thus, the resource adequacy challenges are broadly recognized and do not depend on the specific findings of one study. MISO contends that it cannot predict where large load development will occur and that it is trying to address resource adequacy and reliability problems that will occur in the future to prevent foreseeable shortfalls.[174] MISO asserts that the Revised ERAS Proposal is necessary to ensure that generation is built in time to meet future resource adequacy needs, even if it is resource adequate today.

67. Further, MISO states that, while protesters argue that MISO's automation efforts will resolve DPP study delays, its automation efforts currently focus only on DPP Phase I, with implementation in the more in-depth DPP Phase II and Phase III studies to occur later.[175] MISO contends that it will take several years before MISO experiences the benefit of recent reforms such as SUGAR implementation, GIP improvements, and the

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Assessment) https://www.nerc.com/news/Pages/Statement-on-NERC%E2%80%99s-2024-Long-Term-Reliability-Assessment.aspx).

[172] *Id.* at 7 (citing NERC Statement on 2024 Long-Term Reliability Assessment; NERC, *2025 Summer Reliability Assessment* 6 (May 2025), https://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_SRA_2025.pdf).

[173] *Id.* (citing Clean Energy Associations Protest at 25-26; PIOs Protest at 29-33).

[174] *Id.* at 7-8.

[175] *Id.* at Tab B, Prepared Direct Testimony of Andrew Witmeier, Docket No. ER25-1674-000, at 10 (filed Apr. 21, 2025) (Witmeier Docket No. ER25-1674 Rebuttal Testimony).

2024 MISO Queue Cap, and ERAS is a separate process to address near-term resource adequacy needs.[176]

68. MISO also asserts that COMPP confuses the commercial operation date with the in-service date in arguing that the commercial operation date requirement was not appropriately tailored for ERAS interconnection requests to timely meet resource adequacy needs.[177] MISO explains that the Commission recently accepted, in Docket No. ER25-1758, revisions to its GIP that allow transmission owners to extend the in-service date during GIA negotiations for known construction delays, and to set a 180-day trial operation period after the in-service date. MISO contends that the 180-day trial operation period after the in-service date prevents the termination of an otherwise viable project in the very limited circumstance that the transmission owner had moved the in-service date for a facility that it was building and that was needed to allow a generating facility to provide its full output to the transmission system.[178] MISO states that these provisions do not allow the interconnection customer to extend its own commercial operation date grace period when the transmission system is ready to receive full output and do not impact commercial operation date timing requirements in GIP section 4.4.4 or *pro forma* GIA Article 2.3.1. MISO states that the grace period in the Revised ERAS Proposal is unchanged from the Initial ERAS Proposal and does not undercut the rationale for ERAS. MISO further asserts that any interconnection request can face in-service date and other delays and that arguments asserting that an interconnection request is not urgent because it may face in-service date delays are spurious. MISO asserts that the Revised ERAS Proposal accelerates those parts of the timeline that MISO can control.

69. Additionally, MISO states that the Revised ERAS Proposal better tailors the RERRAs' roles in ERAS to address resource adequacy needs because the new RERRA verification targets the resource adequacy need that an interconnection request is addressing and ensures that the interconnection request will address a new load addition or resource adequacy deficiency in the RERRA's footprint.[179] MISO explains that since resource adequacy determinations must be made in collaboration with the states, MISO relies on the RERRA to review and verify that the proposed interconnection request will

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[176] MISO Answer, Tab B, MISO Answer, Docket No. ER25-1674-000, at 41 (filed Apr. 21, 2025) (MISO Docket No. ER25-1674 Answer).

[177] MISO Answer at 8-9 (citing *Midcontinent Indep. Sys. Operator, Inc.*, 191 FERC ¶ 61,150; *see* MISO, Tariff, attach. X (GIP) (171.0.0), § 4.4.4.1).

[178] *Id.* at 9-10.

[179] *Id.* at 21.

address the identified need.[180] MISO states that the new verification requirement narrows ERAS interconnection requests to those that can address a resource adequacy need that a RERRA has verified is a valid, new, incremental load that is not already planned for, and for which an executed agreement exists connecting that need to the specific project.[181]

(b) Additional Answers

70. Clean Grid Alliance asserts that MISO's answer did not address the resource adequacy challenges that protesters raised and, instead, relied on NERC's new assessment downgrading MISO's risk to one similar to other RTOs/ISOs.[182] Clean Grid Alliance contends that, contrary to MISO's implications, the Commission did not grant exceptions to open access based on NERC capacity ratings. Further, Clean Grid Alliance reiterates that MISO has abundant generation because MISO has 56 GW of interconnection requests with GIAs and a large number of interconnection requests in the DPP 2021 and 2023 cycles that, according to MISO, will have GIAs in 2025 and 2026.[183] Clean Grid Alliance also contends that ERAS is unjustified and unnecessary because the provisional GIA process allows new generation to interconnect quickly.[184] Clean Grid Alliance further argues that MISO admits that ERAS projects may not be approved in state regulatory processes and may have to withdraw, which is contrary to MISO's claims that ERAS projects will be "shovel ready."[185]

71. Clean Grid Alliance reiterates that supply chain issues are the true cause of the DPP queue backlogs, which is evidenced by MISO's recent request for a blanket waiver to extend commercial operation deadlines for interconnection requests in the DPP 2018

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[180] *Id.* at 22.

[181] *Id.* at 22-23.

[182] Clean Grid Alliance First Answer at 2-3 (citing Clean Grid Alliance Protest at 8; MISO Answer at 6). *See also* Clean Grid Alliance First Answer, attach. A (Clean Grid Alliance Answer), Docket No. ER25-1674-000 at 10 (filed May 2, 2025) (Clean Grid Alliance Docket No. ER25-1674 Answer).

[183] Clean Grid Alliance First Answer at 3; Clean Grid Alliance Docket No. ER25-1674 Answer at 11, 15.

[184] Clean Grid Alliance First Answer at 3, 5-6; Clean Grid Alliance Docket No. ER25-1674 Answer at 12-13.

[185] Clean Grid Alliance Docket No. ER25-1674 Answer at 13-14 (citing MISO Docket No. ER25-1674 Answer).

and 2019 cycles, citing supply chain issues.[186] Clean Grid Alliance avers that NERC also recognizes that supply chain issues are causing construction delays, resulting in a 2.7 GW shortfall in MISO's service territory.[187] Clean Grid Alliance asserts that establishing a separate ERAS study process is not going to solve the supply chain problem and may result in ERAS interconnection requests developing behind DPP interconnection requests with GIAs and those expected to finalize GIAs in 2025 and 2026.

72. Clean Grid Alliance asserts that LSEs and MISO correctly recognize that spot load is speculative and that there are only potential load growth issues.[188] Clean Grid Alliance avers that some LSEs identify specific generation needs but do not address why DPP interconnection requests cannot meet that load. Clean Grid Alliance also points out that other LSEs do not identify any specific needs.[189]

73. Finally, Clean Grid Alliance asserts that MISO is close to achieving a one-year processing time for its future DPP cycles due to implementing queue processing improvements, including the SUGAR software.[190] Clean Grid Alliance contends that MISO will be able to serve state load needs with resources in its DPP queue and that ERAS is thus unnecessary.

74. MISO IPPs aver that MISO's answer illustrates that the Revised ERAS Proposal is not narrowly tailored because MISO has not proffered any evidence connecting its proposed ERAS cap or carve outs with the magnitude of the anticipated resource adequacy shortfall, nor how the Revised ERAS Proposal will meet the timing of MISO's anticipated shortfall given that ERAS interconnection requests may not come online until 2032.[191]

75. Clean Energy Associations note that, in the time since MISO filed the Revised ERAS Proposal, NERC has revised the 2024 Long-Term Reliability Assessment to redesignate the MISO region from the "high risk" category to the "elevated risk"

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[186] Clean Grid Alliance First Answer at 4 (citing Clean Grid Alliance Protest at 2); Clean Grid Alliance Docket No. ER25-1674 Answer at 11.

[187] Clean Grid Alliance First Answer at 4-5 (citing the NERC 2024 Long-Term Reliability Assessment at 43).

[188] *Id.* at 5-6 (citing MISO Answer at 7; Clean Grid Alliance Protest at 33).

[189] *Id.* at 6-7.

[190] Clean Grid Alliance Docket No. ER25-1674 Answer at 15.

[191] MISO IPPs Answer at 15.

category.[192] Clean Energy Associations assert that MISO, despite acknowledging the downgrade in its answer, still relies on the NERC definition of "high risk" to support its claimed imminent resource adequacy and reliability concerns.[193] Therefore, Clean Energy Associations argue that MISO's rationale for ERAS is based on inaccurate and overstated resource adequacy projections.[194]

76. Clean Energy Associations note that the 2025 OMS-MISO Survey demonstrates that the MISO region can maintain resource adequacy through 2031 through DPP and market reforms, improved resource deployment timelines, and other initiatives.[195] Clean Energy Associations argue that MISO fails to provide any evidence to rebut this statement from the 2025 OMS-MISO Survey or similar statements made by its IMM.[196] Accordingly, Clean Energy Associations assert that MISO already has the processes needed to address future resource adequacy problems. Clean Energy Associations further assert that, absent clear evidence of a near-term shortfall, there is no basis to adopt a new, preferential interconnection process.[197]

77. PIOs assert that MISO has neither addressed that its need to demonstrate that near-term resource adequacy needs justify the Revised ERAS Proposal nor why existing processes in MISO's Tariff are insufficient to meet its resource adequacy needs.[198]

78. PIOs argue that MISO's answer dismisses evidence regarding its resource adequacy needs.[199] PIOs contend that despite MISO's recognition of NERC's downgrading of MISO's risk assessment, MISO does not propose any adjustment to its Revised ERAS Proposal. PIOs further contend that, in arguing that its resource needs are equivalent to those of PJM and CAISO, MISO ignores critical differences among the Revised ERAS Proposal, PJM's RRI, and CAISO's IPE. Specifically, PIOs explain that

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[192] Clean Energy Associations Answer at 3 (citing NERC Statement on 2024 Long-Term Reliability Assessment).

[193] *Id.* (citing MISO Answer at 7).

[194] *Id.* at 5.

[195] *Id.* at 3-4 (citing 2025 OMS-MISO Survey at 2).

[196] *Id.* at 4 (citing Clean Energy Associations Protest at 27-28).

[197] *Id.* at 5.

[198] PIOs Answer at 2.

[199] *Id.* at 3-4.

PJM has more significant issues with new entry and retirement of generating facilities compared to MISO, yet the RRI process has a smaller cap and stricter timeline criteria than the Revised ERAS Proposal. Further, PIOs state that CAISO's process prioritizes interconnection requests in the queue through scoring criteria rather than allowing new interconnection requests to "cut in line."[200]

79. PIOs argue that MISO continues to ignore significant timeline mismatches between its identified needs and the ERAS process. PIOs further argue that MISO's references to various timelines obfuscates the reality that ERAS interconnection requests are not more suited to meet near-term resource adequacy needs than interconnection requests in the DPP, particularly given the adoption of the SUGAR software through which MISO expects to process DPP backlogs by the end of 2026.[201]

80. PIOs argue that MISO's answer mistakes PIOs' and COMPP's concerns about the in-service date and commercial operation date to be solely about Tariff details and implementation, when the concern is more broadly that the Revised ERAS Proposal does not require ERAS interconnection requests to reach commercial operation in the near term.[202] PIOs contend that MISO's explanation that the Revised ERAS Proposal is only intended to accelerate the parts of the generator interconnection process that MISO can control demonstrates that the Revised ERAS Proposal does not include mechanisms to ensure that resources come online to meet near-term needs.[203] PIOs further contend that this explanation contradicts MISO's other statements that ERAS guarantees that only "shovel ready" interconnection requests will enter ERAS since MISO can only control certain aspects of the interconnection process, which will not be sufficient to ensure genuine shovel-readiness. PIOs assert that MISO's explanations also conflict with PJM's RRI, which includes indicators of readiness like a construction schedule and attestations of commercial operation timelines.[204]

c. Commission Determination

81. We find that MISO's Revised ERAS Proposal represents a just and reasonable and not unduly discriminatory or preferential approach for addressing MISO's urgent, near-term resource adequacy needs. MISO has authority to evaluate and maintain

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[200] *Id.* at 4.

[201] *Id.* at 4-5.

[202] *Id.* at 5.

[203] *Id.* at 6.

[204] *Id.* (citing PJM RRI Order, 190 FERC ¶ 61,084 at P 155).

resource adequacy under its Tariff mechanisms,[205] as well as to manage the processing of its queue.[206] We find that the Revised ERAS Proposal will allow MISO to accelerate the study of interconnection requests that are "shovel ready" and that will address an identified resource adequacy or reliability need in the same Local Resource Zone where the generating facility is to be located, with limited exceptions, thereby enabling resources to meet projected near-term resource adequacy needs more quickly than could be accomplished under MISO's current DPP process.

(a) MISO's Identified Need

82. We disagree with protesters that MISO has not sufficiently supported its near-term resource adequacy needs. While some protesters contend that MISO overstates its near-term resource adequacy needs, MISO cites several reports from different sources – MISO's Reliability Imperative Report, the 2024 and 2025 OMS-MISO Surveys, and the NERC 2024 Long-Term Reliability Assessment – as evidence of its near-term resource adequacy needs.[207] For example, while Clean Energy Associations assert that the 2025 OMS-MISO Survey projects a surplus of 1.4-6.1 GW, the next bullet in the survey results states that "at least 3.1 GW of additional capacity beyond the committed capacity will be needed to meet the projected planning reserve margin forecast."[208] Several commenters, both LSEs and state representatives, and some protesters have highlighted their near-term load-serving obligations and upcoming load needs.[209] MISO also asserts that the data it relies on, as well as the overall trends for

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[205] *See Midcontinent Indep. Sys. Operator, Inc.*, 162 FERC ¶ 61,176, at P 59 (2018) ("MISO's resource adequacy construct ensures just and reasonable rates by creating a price signal that reflects the availability of capacity rather than by creating any particular price"); *see also* January 2024 Order, 186 FERC ¶ 61,054 at P 182 ("[A]ny future section 205 filing to propose a study cycle cap must demonstrate how the cap ensures that MISO can study new generation seeking to interconnect in a manner that appropriately accounts for its future resource adequacy needs.").

[206] *See* PJM RRI Order, 190 FERC ¶ 61,084 at P 54 (citing *Sw. Power Pool, Inc.*, 128 FERC ¶ 61,114, at PP 15, 32 (2009) (finding that an RTO is entitled to flexibility in proposing variations to Commission requirements under the independent entity variation standard and that the RTOs' temporal and geographic queue clustering proposal was a rational approach), *order on compliance*, 129 FERC ¶ 61,226 (2009), *order on compliance*, 133 FERC ¶ 61,139 (2010)).

[207] Transmittal at 5-6.

[208] 2025 OMS-MISO Survey at 2.

[209] *See, e.g.*, AECS Comments at 4; CenterPoint Comments at 1; Entergy/Cleco/Cooperative Energy Comments at 9-10; ITC Comments at 3; Louisiana

RTOs/ISOs throughout the country, support its claims about near-term resource adequacy needs.[210] While forecasting future resource adequacy needs necessarily involves uncertainty, we find that it is reasonable for MISO to act in recognition of the aforementioned reports. Further, we note that while NERC recently revised its 2024 Long-Term Reliability Assessment, MISO's risk classification for the years 2028-2031, remains in the "high risk" category.[211] ERAS provides a mechanism to accelerate the interconnection of resources to help address resource adequacy needs in MISO's footprint during this period. And as MISO points out, although NERC has downgraded the MISO region's risk category for capacity shortfalls to "elevated risk" before 2028, this new risk category places the MISO region at the same risk level as the PJM and CAISO regions, for which the Commission has also approved expedited generator interconnection study processes to address pressing resource adequacy needs.[212] We therefore find that MISO has sufficiently demonstrated that it has near-term resource adequacy needs in its region.

83. As for protesters' arguments about how the DPP process may meet MISO's identified resource adequacy needs in lieu of ERAS, we note that the Commission has extended RTOs/ISOs considerable flexibility in addressing region-specific interconnection study processing challenges.[213] In light of our finding that MISO's proposal is just and reasonable, we need not consider whether the proposal is more or less reasonable than the alternative solutions identified by protesters. Notwithstanding this, we disagree with arguments that MISO's recent interconnection study process reforms and study automation efforts will render the ERAS proposal unnecessary. While MISO's automation efforts may improve the overall DPP process,[214] those processing improvements are just now being implemented for the first time for the DPP 2022 cycle, which will not be completed for another year or more, and therefore are unlikely to be sufficient to meet MISO's near-term resource adequacy needs. At this time, only the system impact studies in the DPP process are being automated, while the ERAS

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and Mississippi Commissions Comments at 5; Michigan Commission Protest at 7; Midwest TDUs Comments at 3-4; MISO TOs Comments at 3; Mississippi Governor Comments at 1; Vistra Protest at 5, 7.

[210] MISO Answer at 5-8.

[211] Transmittal at 6 (citing the NERC 2024 Long-Term Reliability Assessment).

[212] *See* MISO Answer at 6.

[213] *See* PJM RRI Order, 190 FERC ¶ 61,084 at P 54.

[214] Witmeier Testimony at 64-65.

framework is designed to render EGIAs within 90 days,[215] with the entire ERAS process likely concluding well in advance of full implementation of DPP automation enhancement reforms.[216] Similarly, we agree with MISO that its interconnection study process reforms (e.g., the 2024 MISO Queue Cap) are focused on longer-term improvements to reduce speculative interconnection requests from entering the DPP queue and improve queue processing, not the objective of addressing near-term resource adequacy and reliability needs.

(b) Commercial Operation Date

84. Further, we disagree with protesters that MISO's proposed commercial operation date requirements undercut MISO's contention that ERAS interconnection requests will help resolve near-term resource adequacy needs. Under the Revised ERAS Proposal, interconnection customers must have a commercial operation date within three years of interconnection request submission, subject to an additional three-year grace period. Protesters argue that, as a result, ERAS generating facilities that will not come online for at least six years after interconnection request submission, and, for those submitted in 2027, as much as eight years from MISO's proposal, cannot address near-term resource adequacy or reliability needs. However, six years is the worst-case scenario, reflecting the maximum period for an ERAS generating facility to come online, which nevertheless is nearly half of the maximum 11-year commercial operation deadline that is used by some DPP interconnection requests.[217] Further, while there is no guarantee that all ERAS interconnection requests will achieve commercial operation, it is reasonable to conclude that ERAS interconnection requests are more likely to do so than DPP interconnection requests given the ERAS eligibility requirements designed to swiftly identify "shovel ready" projects. We agree with commenters that MISO's proposed coupling of its proposed commercial operation date requirements and stringent eligibility requirements will enable MISO to accelerate the study of urgently needed, "shovel ready" projects to help alleviate near-term resource adequacy needs.[218]

85. With respect to protester arguments that the proposed language in GIP section 3.9.8 may conflict with MISO's assertion that "[a]ll ERAS projects are eligible to

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[215] Transmittal at 8.

[216] *See* MISO Answer at 6-7.

[217] Witmeier Testimony at 47.

[218] Transmittal at 39; MISO Answer at 29; AECS Comments at 4; Big Rivers Electric Comments at 3; CenterPoint Comments at 1; Entergy/Cleco/Cooperative Energy Comments at 9-10; ITC Comments at 3; Louisiana and Mississippi Commissions Comments at 5; Midwest TDUs Comments at 3-4; MISO TOs Comments at 3.

use the grace period of up to three years as documented in GIA Article 2.3.1,"[219] we note that GIP section 3.9.8 addresses modifications to the ERAS interconnection request, and not to the EGIA.

(c) RERRA Verification Requirement

86. Contrary to Clean Energy Associations' assertions,[220] we do not believe that MISO's proposed GIP section 3.9.1 is contradictory. Rather, we find that proposed GIP section 3.9.1.1.i provides requirements for the RERRA's written verification with respect to "new, incremental load" whereas proposed GIP section 3.9.1.1.ii provides requirements for the RERRA's written verification with respect to "a resource adequacy deficiency" with multiple means by which such a determination can be supported.

87. For example, under proposed GIP section 3.9.1.1.ii, MISO provides examples of supporting materials that "can" support a determination that the proposed interconnection request will address an identified resource adequacy need, including integrated resource plans.

88. In response to PIOs' concerns that nothing in the ERAS process requires a RERRA to consider whether a resource currently in the DPP is better suited to meet the identified need, we note that the DPP is a MISO-specific process outside of a RERRA's purview. Further, nothing prohibits an interconnection customer with an interconnection request in the DPP from participating in the ERAS process if it satisfies the ERAS eligibility requirements.

(d) Other ERAS Eligibility Requirements

89. As further discussed below, we find that MISO has sufficiently detailed the parameters of ERAS eligibility in the proposed Tariff, and MISO has narrowly tailored the Revised ERAS Proposal to the identified near-term resource adequacy or reliability needs.[221] Moreover, as for protester suggestions that the RERRA verification should incorporate a scoring mechanism or other alternative approaches, we reiterate our earlier finding that the Commission affords MISO considerable flexibility in addressing region-specific interconnection queue processing challenges, and we need not consider whether

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[219] Transmittal at 50.

[220] Clean Energy Associations Protest at 11-12.

[221] *See* discussion *infra*, parts IV.B.2.c, 3.c., 4.c and 5.c.

MISO's proposal is more or less reasonable than the alternative solutions identified by protesters.[222]

2. Jurisdiction and Filed Rate Doctrine

a. MISO's Filing

90. MISO states that the FPA and Commission precedent recognize the authority of state regulators and their jurisdictional utilities to plan for adequate generation to address resource adequacy needs within their jurisdictional footprints.[223] MISO further states that the Revised ERAS Proposal incorporates the role of states and other RERRAs and "provides a vehicle for the RERRA to verify to MISO that there is a valid, new incremental load addition that is not incorporated in relevant plans or that the proposed Generating Facility will address an identified resource adequacy deficiency."[224] MISO's statement is a reference to the RERRA verification eligibility requirement in proposed GIP section 3.9.1, which provides that:

> 1. The Interconnection Request shall be accompanied by a written verification from the RERRA (or its documented representative) where the load to be served by the Generating Facility is located and, subject to the procedures the RERRA requires, that either:
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> a. The new, incremental load addition claimed by the interconnection customer is valid and not otherwise included in a resource plan or other process under the RERRA's purview; or
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> b. The generating facility proposed by the interconnection customer will address a resource adequacy deficiency as determined by the RERRA, state, LSE, or interconnection customer as supported by certain documentation; or
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> c. For generating facilities that will address a resource adequacy deficiency and either serves retail load or a retail choice state, the interconnection customer will

[222] *See supra* P 82.

[223] Transmittal at 2.

[224] *Id.* at 9.

> indicate the specific load as required in the interconnection request and provide evidence that the generating facility will address a resource adequacy deficiency as described in (b), but such interconnection customer will not be required to include a written verification from the RERRA.

b. Responsive Pleadings

i. Comments in Support

91. Some commenters assert that ERAS aligns with state jurisdictional authority as it relates to decision-making on resource adequacy.[225] AECS notes that the process respects state authority over resource procurement and ensures that RERRAs will determine the resources necessary to support LSEs under their jurisdiction.[226] Louisiana and Mississippi Commissions assert that the verification process accommodates the needs of the various MISO states, both regulated and those with retail access.[227] MISO TOs state that, according to Commission precedent, states have authority over resource adequacy, and ERAS intentionally empowers states and RERRAs with the ability to signal to MISO, through the RERRA verification process, that certain projects need the expedited treatment of the ERAS process. Additionally, MISO TOs note that MISO added Tariff language incorporating the retail access states into the ERAS process to address resource adequacy deficiencies in those states, recognizing the structural differences in those states.[228] Texas Commission asserts that there is a need to study interconnection requests that are necessary to meet nearer-term, state-determined resource adequacy needs because there is an increasing risk of a state's "needs determination" being unmet if an interconnection request is delayed in MISO's queue.[229]

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[225] AECS Comments at 6; Entergy/Cleco/Cooperative Energy Comments at 3, 8; Louisiana and Mississippi Commissions Comments at 3, 9; MISO TOs Comments at 3, 10-11; Missouri Commission Comments at 2; Texas Commission Comments at 5-7.

[226] AECS Comments at 6.

[227] Louisiana and Mississippi Commissions Comments at 9.

[228] MISO TOs Comments at 10-11.

[229] Texas Commission Comments at 7.

ii. **Protests**

92. NextEra and MISO IPPs assert that the ERAS proposal unjustly and unreasonably allows states to set the terms and conditions of Commission-jurisdictional service, despite the FPA granting, and the courts upholding, exclusive jurisdiction over the rates, terms, and conditions for the transmission of electric energy in interstate commerce, including interconnection service, to the Commission.[230] Further, NextEra and MISO IPPs state that ERAS essentially grants RERRAs the authority to determine which interconnection customers will be granted interconnection service, which is a Commission-exclusive jurisdiction.[231] Additionally, NextEra asserts that MISO is required to provide nondiscriminatory open access to the transmission system in a manner that allows all resources to compete on equal footing, which will not infringe on states' authority over resource adequacy, so long as MISO does not mandate or prohibit any particular generating facility or resource mix.[232] In support of this, NextEra and MISO IPPs argue that the Commission rejected past proposals as unduly discriminatory when they prioritized resources that were being developed in connection with a state resource

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[230] *See* NextEra Docket No. ER25-1674 Protest at 6, 48-49 (citing *FERC v. Elec. Power Supply Ass'n*, 577 U.S. 260, 288 (2016); *Hughes v. Talen Energy Mktg., LLC*, 578 U.S. 150, 164 (2016) (*Talen*); and PJM RRI Order, 190 FERC ¶ 61,084 at P 75); MISO IPPs Docket No. ER25-1674 Protest, Affidavit of the Hon. Joseph T. Kelliher ¶ P 16 (Kelliher Aff.).

[231] MISO IPPs Docket No. ER25-1674 Protest at 13-14 (citing *FPL Energy Marcus Hook, L.P. v. FERC*, 430 F.3d 441, 443 (D.C. Cir. 2005); PJM RRI Order, 190 FERC ¶ 61,084 at P 75); NextEra Protest at 49.

[232] NextEra Docket No. ER25-1674 Protest at 50 (citing *Xcel Energy Operating Cos.*, 106 FERC ¶ 61,260, at P 23 (2004) (*Xcel*) (rejecting a proposal to provide priority queue access to interconnection requests that were part of a state-sponsored bidding process and finding that interconnection customers that did not take part in the state-sponsored bidding must be allowed to compete in the wholesale energy market on an equal footing); PJM RRI Order, 190 FERC ¶ 61,084 at P 76).

solicitation process[233] and rejected the RERRA exclusion in the 2023 MISO Queue Cap Proposal.[234]

93. NextEra asserts that, due to the non-delegation doctrine, neither MISO nor the Commission can delegate authority over the rates, terms, and conditions of interconnection service to RERRAs.[235] NextEra argues that there is a presumption against subdelegation, even if that subdelegation is to a state commission, which may be a RERRA under the ERAS process.[236] NextEra asserts that RERRAs are not subject to Commission oversight, so it is not clear that the Commission can exercise oversight of RERRA rates via FPA section 206[237] complaint proceedings, which would violate the non-delegation doctrine and the FPA.[238] Clean Energy Associations argue that "MISO is effectively delegating to states its responsibility for ensuring that its own Tariff is not unduly discriminatory or preferential, and thereby leaving the Commission without oversight."[239] Additionally, Clean Energy Associations state that MISO has failed to

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[233] MISO IPPs Docket No. ER25-1674 Protest at 7-8 (citing *Sw. Power Pool, Inc.*, 147 FERC ¶ 61,201, at P 124 (2014)); NextEra Docket No. ER25-1674 Protest at 8 (citing *Xcel*, 106 FERC ¶ 61,260 at PP 12-13, 22-24); *Midwest Indep. Transmission Sys. Operator, Inc*., 124 FERC ¶ 61,183, at P 143 (2008)).

[234] NextEra Docket No. ER25-1674 Protest at 9 (citing January 2024 Order, 186 FERC ¶ 61,054 at PP 176-177).

[235] *Id.* at 53.

[236] *Id.* (citing *U.S. Telecom Ass'n v. FCC*, 359 F.3d 554, 566 (D.C. Cir. 2004) (*U.S. Telecom*); *Texas v. Rettig*, 987 F.3d 518, 531 (5th Cir. 2021)); *see also* MISO IPPs Docket No. ER25-1674 Protest at 15 (citing Kelliher Aff. at 6-7).

[237] 16 U.S.C. § 824e.

[238] NextEra Docket No. ER25-1674 Protest at 53-54 (citing *La. Pub. Serv. Comm'n v. FERC*, 761 F.3d 540, 552 (5th Cir. 2014) (*Louisiana PSC*); *see Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Servs. by Pub. Utils.; Recovery of Stranded Costs by Pub. Utils. & Transmitting Utils.*, Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996) (cross-referenced at 75 FERC ¶ 61,080), *order on reh'g*, Order No. 888-A, FERC Stats. & Regs. ¶ 31,048 (cross-referenced at 78 FERC ¶ 61,220), *order on reh'g*, Order No. 888-B, 81 FERC ¶ 61,248 (1997), *order on reh'g*, Order No. 888-C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Pol'y Study Grp. v. FERC*, 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. N.Y. v. FERC*, 535 U.S. 1.

[239] Clean Energy Associations Docket No. ER25-1674 Protest at 22.

meet its obligations as an independent system operator under Order No. 888 to ensure fair and non-discriminatory access to transmission services and ancillary service for all users of the transmission system.

94. Finally, NextEra and MISO IPPs assert that ERAS violates the filed rate doctrine because a RERRA will establish the criteria used to determine ERAS participation without filing with the Commission and without providing uniform, objective, and non-discriminatory criteria in the tariff, which will circumvent the Commission's jurisdictional authority to ensure that the terms and conditions of receiving interconnection service in MISO are just and reasonable and not unduly discriminatory or preferential.[240] NextEra additionally argues that the fact that RERRAs can set their own criteria for resources to enter ERAS also will result in similarly situated interconnection customers within the MISO region being subject to arbitrary differences in the terms and conditions of interconnection service, depending on its applicable RERRA.[241] NextEra further argues that interconnection customers will not receive notice of the terms and conditions of the RERRA's criteria, as the FPA requires.[242] MISO IPPs assert that a lack of objective criteria in the Tariff will create an environment ripe for undue discrimination in the RERRA approval process, and thus the composition of the ERAS queue.[243]

95. Clean Grid Alliance argues that MISO's discussion of jurisdiction is intended to divert attention from the deficiencies in the Revised ERAS Proposal and that, while RERRAs should have a role over resource adequacy, MISO must still comply with open access requirements.[244] Similarly, COMPP asserts that though resource adequacy decisions rest within state jurisdiction, MISO's role is to meet the Commission's reliability standards while adhering to open access principles, and such principles are not being met by the Revised ERAS Proposal.[245] PIOs argue that MISO's refusal to exert

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[240] MISO IPPs Docket No. ER25-1674 Protest at 14; NextEra Docket No. ER25-1674 Protest at 52.

[241] NextEra Docket No. ER25-1674 Protest at 17-18.

[242] *Id.* at 52-53.

[243] MISO IPPs Docket No. ER25-1674 Protest at 15 (citing Kelliher Aff. at 6-7).

[244] Clean Grid Alliance Protest at 30.

[245] COMPP Protest at 7-8.

any oversight over the RERRA authority continues to go "beyond appropriate respect" for states' role in resource adequacy.[246]

iii. Answers

(a) MISO Answer

96. MISO asserts that the Revised ERAS Proposal reflects and respects the unique jurisdictional divide between the states, MISO, and the federal government. MISO reiterates that it is the states, not MISO, that have the power to determine the resources that will be used in states' jurisdictions.[247] MISO asserts that because there are a wide variety of RERRAs, it was required to design a flexible enough process to accommodate this variety. MISO argues that the additional eligibility requirements ensure that there are uniform, objective criteria in the Tariff.[248] MISO contends that states are not setting the rates, terms, and conditions of interconnection service; rather, RERRAs determine need within their jurisdictional processes, and that regardless of that determination, ERAS interconnection requests will still need to go through the approval process outside of ERAS.[249]

c. Commission Determination

97. We disagree with protesters that the Revised ERAS Proposal intrudes upon the Commission's exclusive FPA jurisdiction over generator interconnection. We disagree that the precedent cited by protesters indicates that the role of states, as RERRAs, in the ERAS process is impermissible.

98. Specifically, NextEra points to *Talen* to argue that even if states have authority over generating facilities, that does not permit them to "exercise control over the terms and conditions of interconnection service."[250] In *Talen*, incumbent generators brought suit to challenge a Maryland Public Service Commission (Maryland Commission) order that required LSEs in Maryland to buy capacity from a specific generator and pay the difference between the Commission-jurisdictional PJM interstate wholesale capacity auction clearing price and a price that the Maryland Commission guaranteed. The

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[246] PIOs Protest at 24 (quoting May 2025 Order, 191 FERC ¶ 61,13 (See, Comm'r, consenting at P 6)).

[247] MISO Answer at 4, 22, 25-26, 30.

[248] MISO Docket No. ER25-1674 Answer at 15.

[249] *Id.* at 16.

[250] NextEra Docket No. ER25-1674 Protest at 50 (citing *Talen*, 578 U.S. at 164).

Supreme Court of the United States (Supreme Court) rejected the Maryland program, stating that "[b]y adjusting an interstate wholesale rate, Maryland's program invades FERC's regulatory turf."[251] The Supreme Court stated that "[s]tates may not seek to achieve ends, however legitimate, through regulatory means that intrude on FERC's authority"[252] and that states "interfere with FERC's authority by disregarding interstate wholesale rates FERC has deemed just and reasonable, even when [s]tates exercise their traditional authority over . . . in-state generation."[253] The Supreme Court went on to say, however, that "[n]othing in this opinion should be read to foreclose . . . [s]tates from encouraging production of new or clean generation through measures 'untethered to a generator's wholesale market participation.'"[254]

99. We find that the Revised ERAS Proposal is permissible under *Talen* because RERRA participation in the ERAS process would be wholly pursuant to a Commission-jurisdictional process (i.e., the generator interconnection process), proposed by MISO and approved by the Commission—not by state authorities—and under which a GIP is on file with the Commission and any future revisions would be subject to Commission approval. Further, the ERAS process would remain subject to the Commission's authority pursuant to FPA sections 205 and 206. In contrast, in *Talen*, the Maryland Commission established a state program that operated outside a Commission-jurisdictional process and "interfered" with the Commission's authority to establish interstate wholesale rates. Nothing in the Revised ERAS Proposal deprives the Commission of its statutory jurisdiction as it applies to generator interconnection.

100. Similarly, we disagree with MISO IPPs' claim that, based on *U.S. Telecom*, the Revised ERAS Proposal impermissibly requires the Commission to subdelegate its FPA authority to the RERRAs. In that decision, which involved the Federal Communications Commission's (FCC) subdelegation to state commissions certain determinations that the FCC was required to make pursuant to the Telecommunications Act of 1996,[255] the United States Court of Appeals for the District of Columbia Circuit determined that the

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[251] *Talen*, 578 U.S. at 163.

[252] *Id.* at 164.

[253] *Id*. at 165.

[254] *Id.* at 166.

[255] 47 U.S.C. § 151 *et seq.*

FCC's subdelegation had, in some respects, given the state commissions "unlimited discretion."[256]

101. We find that *U.S. Telecom* is distinguishable from the Revised ERAS Proposal. The Revised ERAS Proposal does not subdelegate the Commission's authority but simply creates a role for RERRAs in a Commission-jurisdictional process.[257] In particular, the RERRA's role would be limited to assessing and verifying non-speculative interconnection requests that address an identified resource adequacy deficiency. In this way, the Revised ERAS Proposal also recognizes the states' jurisdictional authority over resource planning and the generation mix within their boundaries. Further, in *Louisiana PSC*, the United States Court of Appeals for the Fifth Circuit determined that it is not an unlawful subdelegation for the Commission to incorporate state-determined rate elements in Commission-jurisdictional rate proceedings.[258] According to the court, the Commission's "continuing review in Section 206 proceedings distinguishes it from the unease expressed in [*U.S.*] *Telecom,* of agencies' 'vague or inadequate assertions of final reviewing authority.'"[259] Similarly, under the Revised ERAS Proposal, the RERRA is given a limited role in verifying interconnection requests, and such requests, through the EGIA process, would be subject to Commission review under FPA sections 205 and 206.

102. We also disagree with NextEra and MISO IPPs that the Revised ERAS Proposal violates the filed rate doctrine. The filed rate doctrine and the rule against retroactive ratemaking are "the statutory requirements that bind regulated entities to charge only the rates filed with [the Commission] and to change their rates only prospectively."[260] The FPA requires public utilities to file with the Commission the rates, terms, and conditions

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[256] *U.S. Telecom*, 359 F.3d at 564.

[257] *See, e.g.*, *Participation of Distributed Energy Res. Aggregations in Mkts. Operated by Reg'l Transmission Orgs. & Indep. Sys. Operators*, Order No. 2222, 172 FERC ¶ 61,247, at P 64 (2020) (finding that small utilities may not participate in distributed energy resource aggregations unless the RERRA affirmatively allows such customers to participate in distributed energy resource aggregations), *order on reh'g*, Order No. 2222-A, 174 FERC ¶ 61,197, *order on reh'g*, Order No. 2222-B, 175 FERC ¶ 61,227 (2021).

[258] *Louisiana PSC*, 761 F.3d at 551-52 (holding that there was no unlawful subdelegation where the Commission exercised its role by reviewing and accepting a bandwidth formula that incorporated state agencies' depreciation rates).

[259] *Id*. at 552 (quoting *U.S. Telecom*, 359 F.3d at 568).

[260] *Okla. Gas & Elec. Co. v. FERC*, 11 F.4th 821, 829 (D.C. Cir. 2021); *see also PJM Power Providers Grp. v. FERC*, 96 F.4th 390, 394 (3rd Cir. 2024).

of the jurisdictional service they provide.[261] NextEra and MISO IPPs argue that the Revised ERAS Proposal violates the filed rate doctrine because it allows RERRAs to establish criteria that would not be on file with the Commission and that would determine whether or not an interconnection request is eligible for ERAS.[262] We disagree. We find that the Revised ERAS Proposal does not present a filed rate doctrine concern because it provides adequate notice of the ERAS eligibility requirements, including the RERRA verification requirement.[263] In particular, the RERRA verification requirement in proposed GIP section 3.9.1.1 has multiple sub-requirements that provide a level of uniformity among RERRAs, such as the requirement that the RERRA must be from the same location as the load to be served, and the requirement that the RERRA verification must include an explanation of how the generating facility associated with the interconnection request will address a resource adequacy need, among other things.[264] If the RERRA verification does not satisfy these requirements, then the interconnection request would not be eligible for ERAS. Thus, we find that MISO has sufficiently detailed the parameters of ERAS eligibility, including the RERRA verification requirement, to satisfy the filed rate doctrine.

3. ERAS Requirements and Open Access/Undue Discrimination Concerns

a. MISO's Filing

i. RERRA Verification

103. As noted above, MISO proposes to require that to qualify for ERAS, an interconnection request must include a written verification from the RERRA, or RERRA representative where the load to be served by the generating facility is located, that requires either:

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[261] 16 U.S.C. § 824d(c); *see* 18 C.F.R. § 35.1(a) (2024) (requiring that any "rates and charges . . . classifications, practices, rules and regulations affecting such rates, charges, classifications, services, rules, regulations or practices," be filed with the Commission).

[262] *See* MISO IPPs Docket No. ER25-1674 Protest at 14; NextEra Docket No. ER25-1674 Protest at 51-53.

[263] *See, e.g.*, *Consol. Edison Co. of N.Y. v. FERC*, 347 F.3d 964, 969 (D.C. Cir. 2003); *Columbia Gas Transmission Corp. v. FERC*, 895 F.2d 791, 795-97 (D.C. Cir. 1990).

[264] MISO, Proposed Tariff, attach. X (GIP) (175.0.0), § 3.9.1.

a. The new, incremental load addition claimed by the interconnection customer is valid and not otherwise included in a resource plan or other process under the RERRA's purview; or

b. The generating facility proposed by the interconnection customer will address a resource adequacy deficiency as determined by the RERRA, state, LSE, or interconnection customer, which can be supported by: (i) a state energy forecast, or other forward-looking forecast; (ii) commencement of a state proceeding; (iii) review of a RERRA, LSE, or other state resource plan or document, which may include, but is not limited to: integrated resource plans, procurement plans, or other plan or study types; (iv) response to a request for proposals; or (v) other process, or delegation of authority, as determined by the RERRA or RERRA regulations (including in retail choice states).

For generating facilities that will address a resource adequacy deficiency and either serve retail load or a retail choice state, the interconnection customer will not be required to include a written verification from the RERRA. Instead, the interconnection customer will indicate the specific load as required in the interconnection request and provide evidence that the generating facility will address a resource adequacy deficiency as described in (b).

104. MISO states that it changed this requirement, from the RERRA notification in the Initial ERAS Proposal,[265] to better target the resource adequacy driver that an ERAS interconnection request addresses and to ensure that the RERRA verifies that such interconnection request will address a new load addition or a resource adequacy deficiency in its footprint.[266] MISO further states that the revised requirement is critical to maintaining the limited scope of ERAS to address near-term resource adequacy and/or reliability need claimed by an interconnection customer in a RERRA. MISO explains

[265] In the Initial ERAS Proposal, MISO proposed to require that an ERAS interconnection request be accompanied by a written notification from the RERRA specifying where the load to be served is located and that the interconnection request should be included in ERAS.

[266] Transmittal at 30.

that the RERRA verification may take any form so long as it is made by the RERRA or RERRA representative.

105. MISO states that the third option related to the RERRA verification was added to incorporate retail choice states – Illinois and a portion of Michigan.[267] Under this option, rather than requiring RERRA verification, MISO proposes to notify the respective RERRA that an ERAS interconnection request was submitted and provide a copy of the interconnection request. MISO states that the RERRA will have 10 business days from the date of notification to state that the interconnection request should not be included in ERAS. MISO states that this aspect of its proposal recognizes that interconnection customers in retail choice states do not need to seek approval from a RERRA and that there are alternative retail electric suppliers that serve load. MISO asserts that this language better facilitates the use of ERAS in Illinois and the retail choice areas of Michigan without changing the role or requirements for RERRAs in other parts of MISO's footprint.

106. MISO asserts that it is not a resource planner, so it is reasonable to require a RERRA verification for consideration in the ERAS process.[268] MISO explains that, in fact, the FPA recognizes that the RERRAs have jurisdiction over resource adequacy needs.[269] Therefore, MISO states that including the RERRA verification requirement ensures that an ERAS interconnection request is tied to a specific resource adequacy or reliability need.[270] MISO adds that this requirement will prohibit the submission of speculative interconnection requests with no connection to a specific need.[271] MISO states, however, that the RERRA verification requirement is not intended to constitute a final determination on the need or suitability of the interconnection request. Rather, MISO emphasizes that the RERRA verification is only a condition for requesting that MISO study a proposed interconnection request in the ERAS process.[272]

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[267] *Id.* at 31.

[268] Witmeier Testimony at 31.

[269] Transmittal at 2 (citing 16 U.S.C. § 824; *CXA La Paloma, LLC v. Cal. Indep. Sys. Operator Corp.*, 165 FERC ¶ 61,148, at P 70 (2018)).

[270] *Id.* at 30.

[271] Witmeier Testimony at 32. MISO states that verification is only needed from one RERRA for an application for ERAS participation. *Id.* at 35.

[272] Transmittal at 31, 52.

107. MISO states that due to its unique composition of almost entirely vertically integrated utilities, resource adequacy decisions must be made in collaboration with the states.[273] MISO explains that responsibility for addressing resource adequacy or reliability needs is a state responsibility and that it would be inappropriate for MISO to make selections to address these needs. MISO states that the Revised ERAS Proposal accounts for its unique composition and the division of jurisdictional authority by proposing that MISO only facilitate the ERAS process and that interconnection customers identify the specific needs their interconnection requests address, and that RERRAs (including states) verify to MISO which interconnection requests merit expedited study.

ii. Executed Agreement Requirement

108. MISO also proposes to require an ERAS interconnection customer to have an executed agreement evidencing that its interconnection request "is intended to be used by the entity with the claimed resource adequacy or reliability need" (executed agreement requirement).[274] MISO proposes that the required agreement can take the form of: (1) an LSE acknowledgement to self-supply; (2) a power purchase agreement (PPA) or a similar off-take agreement between the ERAS interconnection customer and the entity to be served (including, but not limited to, an alternative retail electric supplier or its LSE); (3) an agreement that provides for the transfer of ownership or control of the generating facility to the entity with the load to be served (including, but not limited to, an alternative retail electric supplier or its LSE) after such generating facility is developed by the interconnection customer; or (4) an "other" agreement between the ERAS interconnection customer and the entity with the load to be served (including, but not limited to, an alternative retail electric supplier or its LSE), stating that the ERAS interconnection request will be used to meet an identified resource adequacy deficiency.[275]

109. MISO states that this requirement will ensure that an ERAS interconnection request is intended to be used by the entity with the claimed resource adequacy or reliability need.[276] MISO explains that such a requirement prevents speculative interconnection requests with no commercial arrangements from participating in ERAS.

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[273] *Id.* at 19.

[274] *Id.* at 30; Witmeier Testimony at 39, 41; MISO, Proposed Tariff, attach. X (GIP) (175.0.0), § 3.9.1.2.

[275] Transmittal at 30-31; MISO, Proposed Tariff, attach. X (GIP) (175.0.0), § 3.9.1.2.

[276] Transmittal at 30.

MISO states that, for example, an interconnection customer that has an agreement with a data center developer for the generation to serve that load is differently situated from an interconnection customer that enters the queue with the hope of pitching their generation project to the developer. MISO adds that, based on stakeholder feedback, it expanded the ERAS process to allow independent power producers to participate through inclusion of an "other" type of executed agreement.[277] MISO asserts that the executed agreement requirement mitigates overuse concerns because it pairs an ERAS interconnection request with a specific need.[278]

iii. ERAS Cap and Carve Outs

110. MISO proposes to establish a limit on the total number of interconnection requests that can participate in the ERAS process to 68. Of the 68 total interconnection requests, MISO proposes to allow a maximum of 10 interconnection requests from independent power producers that have agreements with entities other than LSEs and a maximum of 8 interconnection requests to serve retail choice load.[279] MISO states that the remaining 50 interconnection requests allowed to participate in ERAS will be for the remaining applicants for non-retail choice states. In addition, MISO proposes to implement a limit on the total number of interconnection requests that may be studied in an ERAS quarterly study period to 10 interconnection requests. MISO states that the interconnection requests will be selected based on the time stamp of submission, and it will create a waitlist for interconnection requests beyond the tenth submission. MISO further states that it will screen the submitted interconnection requests to ensure that none are in the same geographical area or impacting the same constraint. MISO states that, if any of the interconnection requests are in the same geographical area or impact the same constraint, then the one with a later time submission will be deferred to the next available ERAS quarterly study period. MISO explains that in the event that an interconnection request is deferred to a future ERAS quarterly study period, it will review any ERAS interconnection requests on the waitlist to determine whether one can be moved up into the deferred interconnection request's spot. Accordingly, MISO states that it will confirm that an interconnection request from the waitlist is not in the same geographic area as those in the ERAS quarterly study period under review. MISO states that these proposed limitations are in response to the Commission's feedback in the May 2025 Order.

111. MISO states that these proposed limitations will enable MISO to complete the ERAS process more efficiently and will result in interconnection customers receiving an

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[277] *Id.* at 41.

[278] *Id.* at 31.

[279] *Id.* at 25-26; MISO, Proposed Tariff, attach. X (GIP) (175.0.0), § 3.9.2.

EGIA quickly. MISO further states that the proposed limitations will allow MISO to better plan for the number of interconnection requests requiring study each quarterly study period and to better coordinate internal resources.[280] MISO states that while it stands by its original assertions that the ERAS process will not affect DPP interconnection requests and that the strict eligibility requirements will limit interconnection request submissions, expressly capping the number of interconnection requests will further ensure that DPP interconnection customers are not harmed by the ERAS process.[281] MISO asserts that its proposed cap serves the same goal as PJM's RRI, to "reasonably balance the need to address … resource adequacy challenges with the need to avoid an influx of projects that could overwhelm … [MISO's] interconnection process," but that MISO's proposal is spread over a longer period of time than PJM's RRI in order to allow prospective interconnection customers time to fully prepare their interconnection requests.[282]

iv. Other ERAS Eligibility Requirements

112. MISO proposes several requirements for ERAS interconnection requests, in addition to the demonstrations discussed above. Specifically, MISO proposes that interconnection customers must provide a non-refundable $100,000 D1 application fee and a refundable M2 amount of $24,000/MW and meet a requirement for 100% site control for both the generating facility and interconnection customer's interconnection facilities.[283]

113. MISO states that the non-refundable $100,000 D1 application fee, which is higher than the $5,000 D1 amount (even as adjusted for inflation) in the DPP, is necessary to prevent speculative interconnection requests from applying to the ERAS process, implement the temporary ERAS process, and cover costs associated with processing ERAS interconnection requests.[284] MISO states that the M2 amount of $24,000/MW (relative to $8,000/MW in the DPP) is based on MISO's existing provisional interconnection service milestone requirements and represents the same level of upfront financial commitment for this "one phase" process that an interconnection customer otherwise would make cumulatively for the "three phase" M2, M3, and M4 milestones in

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[280] Transmittal at 26.

[281] *Id.* at 27.

[282] *Id.*

[283] *Id.* at 36.

[284] *Id.* at 49.

the DPP process.[285] MISO adds that in addition to the RERRA verification and executed agreement requirements, the milestone payments and deposits are required at the time of application to allow MISO to complete the ERAS process within the estimated 90-day timeframe.[286]

114. MISO states that it is reasonable to require 100% site control for both the generating facility and interconnection customer's interconnection facilities for ERAS interconnection requests because it ensures that MISO will not be inundated with speculative interconnection requests. MISO explains that this requirement is more stringent than the requirements for the DPP, which only requires a 100% site control demonstration for the generating facility and a 50% demonstration of site control for interconnection customer's interconnection facilities at the time of an application submission. MISO also asserts that its proposal to disallow financial security in lieu of the proposed site control requirements will deter speculative interconnection requests because it prohibits such requests from being eligible for the ERAS process if they are unable to obtain necessary permits or siting requirements.[287]

115. MISO proposes to require that an ERAS interconnection request identify the claimed resource adequacy and/or reliability need for which the interconnection request is being submitted.[288] MISO states that this must include the location of the generating facility, i.e., the county and state of the proposed generating facility, the electrical bus location(s), and the Local Resource Zone. MISO states that the ERAS interconnection request must identify the expected peak demand for electricity in MW over any one hour period and that the requested level of interconnection service must not exceed 150% of the identified MW need.

116. MISO states that it plans to publish an ERAS webpage that will include a significant amount of information related to each ERAS interconnection request.[289] MISO states that ERAS applications must include a non-confidential summary of the information contained in the interconnection requests for MISO to publish on its website. The summary will include the interconnection customer proposing the generating facility, the MW range of need that the ERAS interconnection request will address, the Local Resource Zone where the proposed generating facility will be located, and a general

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[285] *Id.*; Witmeier Testimony at 45.

[286] Transmittal at 50.

[287] *Id.* at 59; Witmeier Testimony at 46.

[288] Transmittal at 34; MISO, Proposed Tariff, attach. X (GIP) (175.0.0), § 3.3.1.

[289] Transmittal at 34; Witmeier Testimony at 38-39.

description of the driver for the load need (e.g., a data center, manufacturing plant, etc.).[290] MISO states that in addition to the non-confidential summary, it will publish the RERRA that submitted a verification for each ERAS interconnection request, the specific group that the ERAS interconnection request falls within (i.e., LSE, independent power producer, or retail choice), and the specific ERAS quarterly study period in which the ERAS interconnection request will be studied once MISO has completed the screening process for each ERAS quarterly study period. Finally, MISO states that it plans to publish an information guide for potential ERAS interconnection customers that addresses common questions and problems that prospective ERAS interconnection customers may face.[291] MISO states that these additional requirements will increase the transparency of the ERAS process.

b. Responsive Pleadings

i. Comments in Support

117. Commenters argue that the Revised ERAS Proposal maintains open access[292] and is not unduly discriminatory or preferential.[293] As evidence of this, commenters raise several points regarding the Revised ERAS Proposal, including: (1) there are ERAS slots reserved specifically for independent power producers;[294] (2) projects that do not meet ERAS requirements or are not identified by the RERRA as necessary for resource adequacy may still proceed through the DPP;[295] and (3) DPP interconnection requests can

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[290] Transmittal at 34.

[291] *Id.* at 34-35.

[292] AECS Comments at 8; Big Rivers Electric Comments at 7; Consumers Energy Comments at 3; Entergy/Cleco/Cooperative Energy Comments at 13; ITC Comments at 5; Louisiana and Mississippi Commissions Comments at 8; MISO TOs Comments at 19; Missouri Commission Comments at 3-4; NIPSCO Comments at 8; Texas Commission Comments at 12.

[293] AECS Comments at 8; Big Rivers Electric Comments at 7; Consumers Energy Comments at 3; Louisiana and Mississippi Commissions Comments at 8; MISO TOs Comments at 17; Missouri Commission Comments at 3; NIPSCO Comments at 8; Texas Commission Comments at 9.

[294] AECS Comments at 8; Arkansas Commission Comments at 3; Big River Electric Comments at 8; Duke Energy Indiana Comments at 2; Entergy/Cleco/Cooperative Energy Comments at 13; MISO TOs Comments at 16-17.

[295] AECS Comments at 8.

transfer to ERAS.[296] Commenters also argue that ERAS is open to all project sponsors, and fuel and technology types, so long as the interconnection request satisfies the ERAS requirements.[297]

118. Commenters assert that with the revisions to require RERRA verification and the identification of a specific need in the same Local Resource Zone as the ERAS interconnection request, MISO's Revised ERAS Proposal is a just and reasonable solution to MISO's resource adequacy and reliability concerns.[298] Several commenters argue that the RERRA verification process reasonably balances MISO's need to verify projects that meet resource adequacy needs.[299] Further, Louisiana and Mississippi Commissions assert that the RERRA verification reasonably balances, "the state's need to not prejudge generation certifications."[300] Michigan Commission states that it supports MISO's proposed limit to study 10 interconnection requests per quarterly study period, the RERRA verification, and the other eligibility requirements for interconnection requests to participate in ERAS.[301] Michigan Commission adds that the executed agreement requirement provides a direct linkage from the resource adequacy need to the ERAS interconnection request.

119. Midwest TDUs state that they appreciate that the Revised ERAS Proposal will be implemented in a manner that allows municipal joint action agencies to meaningfully participate.[302] Midwest TDUs assert that joint action agencies can submit notifications as the documented representative of their municipal utility member RERRAs, consistent

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[296] Big River Electric Comments at 8; Louisiana and Mississippi Commissions Comments at 8.

[297] AECS Comments at 8; Arkansas Commission Comments at 3; Big Rivers Electric Comments at 8; Consumers Energy Comments at 3; Entergy/Cleco/Cooperative Energy Comments at 13; Louisiana and Mississippi Commissions Comments at 8; MISO TOs Comments at 17; NIPSCO Comments at 8.

[298] Big Rivers Electric Comments at 8; NIPSCO Comments at 7-8.

[299] Louisiana and Mississippi Commissions Comments at 10; Otter Tail Comments at 4; Texas Commission Comments at 8.

[300] Louisiana and Mississippi Commissions Comments at 10.

[301] Michigan Commission Protest at 7-9.

[302] Midwest TDUs Comments at 4.

with applicable laws and governance documents.[303] Midwest TDUs state that this provides assurance that they will not be foreclosed from, or unduly disadvantaged in, the ERAS process, which could be crucial to meeting their municipal utility members' resource adequacy and reliability needs.

120. Several commenters state that the Local Resource Zone requirement tightly ties the generating facility to the resource adequacy or reliability need.[304] Entergy, Cleco, and Cooperative Energy argue that the proposed requirement that resources be located in the same local resource zone as the associated resource adequacy or reliability need and the proposed limitation on the amount of interconnection service that may be requested through an ERAS interconnection request, providing reassurance that the ERAS interconnection requests studied by MISO will be limited to those that can meet anticipated generation capacity shortfalls.[305] AECS notes that the local resource zone requirement ensures that generating facilities can actually serve the load.[306]

121. Several commenters assert that the proposed cap on the number of ERAS interconnection requests that can studied for the entirety of the program and proposed cap on the number of interconnection requests that can be studied quarterly will better ensure that MISO studies interconnection requests in an accelerated time frame.[307] Commenters also note that the addition of a fixed "sunset date" ensures that ERAS is a temporary measure to address near-term resource adequacy needs.[308]

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[303] *Id.* at 7.

[304] AECS Comments at 5; Entergy/Cleco/Cooperative Energy Comments at 12; Louisiana and Mississippi Commissions Comments at 9.

[305] Entergy/Cleco/Cooperative Energy Comments at 12-13.

[306] AECS Comments at 5-6.

[307] AECS Comments at 7; Arkansas Commission Comments at 3; Consumers Energy at 3; Duke Energy Indiana Comments at 2; Entergy/Cleco/Cooperative Energy Comments at 9; MISO TOs Comment at 14; NIPSCO Comments at 8; Ottertail Comments at 4-5; Texas Commission Comments at 9-11; Wisconsin Utilities Comments at 4.

[308] Entergy/Cleco/Cooperative Energy Comments at 10; Otter Tail Comments at 4.

ii. Protests

(a) RERRA Verification Requirement

122. Protesters assert that the proposed Tariff, similar to the Initial ERAS Proposal, continues to lack any objective or transparent criteria to be used for the RERRA verification process and that it is not clear what would justify MISO's acceptance or rejection of ERAS submissions.[309] Michigan Commission argues that absent minimal RTO/ISO-level guardrails against discriminatory treatment and favoritism of certain projects over others, each RERRA must attempt to run its own screening process with incomplete information and without assistance from the RTOs/ISOs.[310] EPSA similarly argues that the proposed RERRA verification process gives RERRAs "significant power to delay [independent power producer] ERAS projects – or block them entirely in favor of ERAS submissions from the LSE in their respective service territory."[311]

123. Invenergy requests that MISO provide clarification on various proposed Tariff provisions, including the GIP section 3.9.1(ii) provision to explain what constitutes "other processes" or which among the LSE, RERRA, or interconnection customer is responsible to determine the resource adequacy need.[312] Invenergy also requests that MISO clarify what constitutes an "other agreement" under the executed agreement requirement because, without clarity, a RERRA could decide on its own accord what type of agreement qualifies.[313] Invenergy also states that MISO should clarify whether an ERAS interconnection customer keeps its EGIA if the agreement with the off-taker falls through.

124. With respect to the RERRA verification and retail choice, Michigan Commission strongly urges the removal of the proposed Tariff language stating that the RERRA verification can be supported by "a state energy forecast, or other forward-looking forecast."[314] According to Michigan Commission, this Tariff provision, in addition to

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[309] EPSA Comments at 3-4; Invenergy Protest at 3-5; Michigan Commission Protest at 11-12.

[310] Michigan Commission Protest at 11.

[311] EPSA Comments at 6.

[312] Constellation Protest at 6.

[313] Invenergy Protest at 7-8.

[314] Michigan Commission Protest at 16 (citing MISO, Proposed Tariff, attach. X (GIP) (175.0.0), § 3.9.1.1.ii.a).

being unnecessary, would allow nearly any project to be eligible for ERAS as long as there is some forecast to support it. Constellation argues that RERRAs are provided an unworkable and standardless veto power in retail choice states.[315]

125. Several protesters argue that the Revised ERAS Proposal, like the Initial ERAS Proposal before it, discriminates against independent power producers, and that additional time is required for independent power producers to meet the ERAS participation requirements.[316] Clean Grid Alliance argues that MISO's proposed carve out for independent power producers does not solve the discriminatory and preferential design of ERAS because MISO's proposal maintains its dependence on RERRA "validation."[317] Michigan Commission argues that the incumbent utilities' advantage over independent power producers results in inappropriately overburdening the RERRAs.[318] MISO IPPs assert that the Revised ERAS Proposal is distinguishable from the PJM RRI, which did not treat similarly situated interconnection customers differently.[319]

126. Vistra and COMPP assert that independent power producers contracting with customers other than LSEs will require additional time to meet the participation requirements compared to vertically integrated utilities in regulated states that already have participation documents and RERRA approvals in place.[320] According to Vistra, it will be extremely difficult for independent power producers to submit all required information and receive RERRA approval in the timeframe necessary to participate in the first ERAS quarterly study period, which begins on September 1, 2025. Vistra argues, among other things, that states are not similarly situated in their capacity to respond to the new verification requirements for independent power producer interconnection requests, and that it is possible that all 10 carve out slots are immediately filled by interconnection requests in the handful of states that are best positioned to implement the verification

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[315] Constellation Protest at 5.

[316] Clean Energy Associations Protest at 13-16; Clean Energy Associations Docket No. ER25-1674 Protest at 22, 43-44; Clean Grid Alliance Protest at 25, 63, 70, 72-78; COMPP Protest at 8-9; EPSA Protest at 4-6; MISO IPPs Docket No. ER25-1674 Protest at 9; NextEra Docket No. ER25-1674 Protest at 15-17; PIOs Protest at 5-9; PIOs Docket No. ER25-1674 Protest at 9-10; Vistra Protest at 6, 9-11.

[317] Clean Grid Alliance Protest at 25.

[318] Michigan Commission Protest at 10-11.

[319] MISO IPPs Docket No. ER25-1674 Protest at 8 (citing Kelliher Aff. at 3).

[320] COMPP Protest at 8; Vistra Protest at 6.

requirements quickly.[321] Vistra and COMPP propose that the initial independent power producer carve out application window begin in alignment with the second study period, starting on December 1, 2025.[322] Alternatively, COMPP requests that MISO reserves at least two study slots for independent power producers per ERAS cycle starting in December 2025.[323]

127. Similarly, Clean Grid Alliance asserts that LSEs have long-standing relationships with RERRAs while independent power producers do not, and this provides LSEs with an advantage in accessing ERAS. Clean Grid Alliance contends that LSE interconnection requests and independent power producer interconnection requests are similarly situated but that MISO's proposed carve out is evidence that ERAS caters to LSE participation.[324] Clean Grid Alliance further contends that, if MISO intended for independent power producers and LSEs to compete on equal footing, it would allow an equal number of spots for independent power producer ERAS interconnection requests and LSE ERAS interconnection requests.[325]

128. EPSA argues that it is often not possible for retail choice LSEs to indicate the specific load it will serve due to the nature of their agreements that often supply loads through a portfolio approach.[326] EPSA also states that competitive retailers often undertake a "demonstration of need" for corporate risk and hedging purposes to compare existing and expected future contractual obligations to load with the physical positions and market exposure of the LSE.[327] Accordingly, EPSA argues that MISO should clarify that an interconnection request that asserts the need for physical hedging of risks through

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[321] Vistra Protest at 10.

[322] *Id.* at 6, 9-11; COMPP Protest at 9.

[323] COMPP Protest at 9.

[324] Clean Energy Associations Docket No. ER25-1674 Protest at 17-18 (citing Order No. 2003, 104 FERC ¶ 61,103 at P 12); Clean Grid Alliance Protest at 24-25, 74, 78 (citing Order No. 2003, 104 FERC ¶ 61,103 at P 696); *see also* PIOs Docket No. ER25-1674 Protest at 9-10 (citing *Transmission Access Pol'y Study Grp. v. FERC*, 225 F.3d at 684).

[325] Clean Grid Alliance Protest at 26.

[326] EPSA Comments at 8-9.

[327] *Id.*

the addition of a resource is sufficient to meet the forward-looking forecast option contemplated in the proposed Tariff language.

129. PIOs argue that the Revised ERAS Proposal's selection criteria may make it challenging for merchant generators to benefit from ERAS interconnection service. PIOs allege that the proposal's requirement for merchant generators, such as independent power producers seeking to serve retail choice markets, to indicate the specific load that the generating facility will serve, differs from the requirement in non-retail choice markets, where the only requirement is to have RERRA verification that the ERAS interconnection request will address a resource adequacy deficiency without identifying specific customers to be served.[328] PIOs explain that, for example, in Illinois, an independent power producer may sell capacity credits to different counterparties each year or sell into the planning resource auction, which supports resource adequacy; however, an independent power producer that intends to participate in these markets will not be able to benefit from ERAS. PIOs add that, in Michigan, there is a 10% cap on the total amount of customer load that may take supply under retail choice, which is currently met and has been for several years. PIOs state that the cap on retail choice load cannot be increased until a new load joins a utility's system, which could make it difficult for an independent power producer to contract with a new large load for retail choice before such load joins the transmission system. PIOs further explain that once a new load joins the transmission system and the cap is increased, interconnection customers already in the queue would have the first opportunity on supplying the load.

130. Clean Energy Associations state that the Commission previously rejected a proposal by Xcel Energy Operating Companies to expedite interconnection requests selected through a state-sponsored procurement process, finding that this would discriminate against customers that "are not part of the state-sponsored bidding process" and would provide transmission owners "the power to discriminate against non-affiliated generation projects."[329]

(b) <u>ERAS Cap and Carve Outs</u>

131. Several protesters argue that MISO's proposed cap and carve outs are arbitrary.[330] PIOs and Invenergy argue that MISO has failed to demonstrate how the proposed limit of

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[328] PIOs Protest at 13-14.

[329] Clean Energy Associations Docket No. ER25-1674 Protest at 43-44 (citing *Xcel*, 106 FERC ¶ 61,260 at PP 21, 22).

[330] EPSA Protest at 7-8; Invenergy Protest at 13; PIOs Protest at 18-20; Vistra Protest at 8.

68 ERAS interconnection requests is tailored to ensure just and reasonable rates.[331] Several protesters also argue that MISO's proposed carve outs for independent power producers and retail choice loads are discriminatory.[332]

132. PIOs argue that MISO's proposed carve out of eight ERAS interconnection requests for retail choice load does not reduce discrimination for retail choice load in Illinois and Michigan.[333] PIOs argue that MISO has not demonstrated how eight interconnection requests is an equitable approximation of those customer bases' relative sizes and projected shortfalls. PIOs contend that not requiring RERRA approval in order for ERAS interconnection requests to move forward in retail choice markets may result in ERAS interconnection requests that are not well suited to meet the state's needs.[334] Further, PIOs assert that MISO's proposed 10-day window to allow the RERRA to veto an ERAS interconnection request in retail choice markets is not enough time for such RERRAs to adequately review the proposed interconnection request.

133. PIOs argue that MISO's Revised ERAS Proposal is also unduly discriminatory because it largely excludes independent power producers from the process.[335] PIOs state that while they agree that the proposed carve out of 10 ERAS interconnection requests for independent power producers without an LSE agreement lessens the discriminatory effect of ERAS somewhat, MISO's argument that the carve out provides independent power producers with comparable access to the ERAS process is not true. PIOs state that a truly non-discriminatory process would provide independent power producers with a fair opportunity to compete for 100% of the ERAS cap, rather than 15% of the cap with no support as to how the amount was determined. PIOs further claim that splitting a cap into smaller buckets for different types of interconnection customers does nothing to establish competition that can limit costs to consumers.

134. Invenergy argues that MISO's proposed carve out for independent power producers does not make participation easier for such entities because it does not alleviate the contracting challenges in MISO, which typically require an estimate of project costs

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[331] Invenergy Protest at 13; PIOs Protest at 18.

[332] Clean Energy Associations Protest at 30-31; Clean Grid Alliance Protest at 26; COMPP Protest at 9; Constellation Protest at 6 (citing Transmittal at 25); EPSA Protest at 4-5; Illinois Commission Comments at 4-5; Invenergy Protest at 15-16; PIOs Protest at 5-6; Vistra Protest at 8, 12.

[333] PIOs Protest at 12-13.

[334] *Id.* at 13-14.

[335] *Id.* at 5-6.

before finalizing off-taker agreements.[336] Invenergy adds that MISO's requirement to contract with an LSE will raise consumer prices because contracts will be executed without knowing the full costs of a project, and such costs will be passed on to consumers.

135. Several protesters argue that the Tariff should be clarified to explain that independent power producers are eligible to participate in the initial 50 project tranche if those independent power producers are serving LSEs.[337] EPSA states that the proposed Tariff language, which states that there is a "maximum of" eight interconnection requests for retail choice load and 10 interconnection requests for independent power producers, does not properly reflect MISO's intent to allow independent power producers the opportunity to compete for the other 50 non-carve out slots.[338] Vistra suggests that the words "a maximum of" in GIP section 3.9.2 be struck and the language in GIP section 3.8.2 be clarified to reflect MISO's intent to reserve a minimum number of slots for eligible independent power producer interconnection requests to participate in ERAS, rather than to cap independent power producer project participation.[339] EPSA and COMPP similarly urge the Commission to require MISO to clarify the Tariff language.[340]

136. Clean Energy Associations argue that, in the case where an ERAS interconnection request overlaps with more than one carve out, MISO's proposed Tariff language is unclear as to whether a slot from both carve outs would be eliminated.[341] Similarly, PIOs argue that it is unclear whether an independent power producer in Michigan or Illinois with a supply agreement, not with an LSE, would qualify for the independent power producer or retail choice carve out under MISO's proposal.[342]

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[336] Invenergy Protest at 15-16.

[337] *See, e.g.*, EPSA Protest at 4-5; Illinois Commission Comments at 4-5; Vistra Protest at 8, 12 (citing MISO, Proposed Tariff, attach. X (175.0.0), §§ 3.9.2, 3.8.2).

[338] EPSA Protest at 4 (citing Transmittal at 12); *see also* COMPP Protest at 9; Vistra Protest at 12.

[339] Vistra Protest at 12 (citing to MISO, Proposed Tariff, attach. X (175.0.0), §§ 3.9.2, 3.8.2).

[340] COMPP Protest at 9; EPSA Comments at 4-5.

[341] Clean Energy Associations Protest at 30.

[342] PIOs Protest at 15.

137. Clean Energy Associations also argue that it is unclear regarding whether independent power producers can compete on equitable terms for the remaining 50 spots in ERAS because MISO's proposed Tariff language is not clear on the types of agreements it will accept for the 50 slots.[343] Clean Energy Associations explains that the "other agreement" category for the executed agreement requirement suggests that independent power producers may have agreements with entities other than LSEs and asserts that MISO should clarify that such ERAS interconnection requests are not precluded from competing for the 50 slots.[344] Additionally, Illinois Commission states that MISO's proposed language in GIP section 3.9.2 is unclear as to whether "agreements with entities other than Load Serving Entities" is intended to mean large load end users such as data centers.[345]

(c) <u>Other ERAS Eligibility Requirements</u>

138. Several protesters argue that the Revised ERAS Proposal lacks stringent and objective eligibility criteria and differentiate the ERAS eligibility requirements from RTO/ISO generator interconnection proposals that the Commission has accepted.[346] For example, MISO IPPs argue that the CAISO IPE proposal's scoring criteria appropriately incorporated state and local regulatory authorities' interests, whereas ERAS fully delegates ERAS eligibility to RERRAs.[347] Similarly, MISO IPPs and Clean Energy Associations argue that the Commission found the PJM RRI proposal's specific scoring

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[343] Clean Energy Associations Protest at 30.

[344] *Id.* at 31.

[345] Illinois Commission Comments at 5.

[346] Clean Energy Associations Docket No. ER25-1674 Protest at 43; Clean Grid Alliance Protest at 11,15; MISO IPPs Docket No. ER25-1674 Protest at 19-21 (citing CAISO IPE Order, 188 FERC ¶ 61,225 at P 94); NextEra Docket No. ER25-1674 Protest at 24 (citing MISO, Tariff, attach. X (GIP) (171.0.0), §§ 3.6, 7.9.3).

[347] MISO IPPs Docket No. ER25-167 Protest at 20 (citing CAISO IPE Order, 188 FERC ¶ 61,225 at P 123).

criteria in the tariff to be facially neutral,[348] while ERAS criteria are not facially neutral because RERRAs determine eligibility.[349]

139. Additionally, Clean Grid Alliance and NextEra contend that the ERAS financial requirements are not sufficiently stringent, conflict with MISO's recent queue reforms, and do not disincentivize speculative interconnection requests from joining ERAS.[350] NextEra argues that an interconnection customer could submit a speculative interconnection request into ERAS to determine its liability for network upgrades, withdraw after seeing the results, and receive a refund of all the fees paid minus the $100,000 D1 application fee and study costs. NextEra states that the prospect of losing $100,000 is unlikely to act as a material deterrent to the submission of speculative interconnection requests or a reliable indicator of the commercial viability of a project.[351] Clean Grid Alliance argues that the M2 payment in ERAS should be forfeited if the interconnection customer withdraws to deter speculative interconnection requests and minimize late stage restudies.[352]

140. Clean Energy Associations argue that the $100,000 D1 application fee discriminates against independent power producers.[353] Clean Energy Associations assert that, while LSEs can afford high up-front costs that they can pass along to ratepayers, independent power producers do not have this same ability, particularly in the early stages of development before they have secured financing. Clean Energy Associations argue that ERAS incents LSEs to submit interconnection requests to ERAS regardless of readiness because their ratepayers will likely bear the risk responsibility for delays, cost overruns, or stranded assets.

141. Clean Grid Alliance contends that MISO's lack of requirement for a financial security for affected system upgrades and other studies not completed by the execution of

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[348] Clean Energy Associations Docket No. ER25-1674 Protest at 43; MISO IPPs Docket No. ER25-1674 Protest at 20 (citing PJM RRI Order, 190 FERC ¶ 61,084 at P 123).

[349] Clean Energy Associations Docket No. ER25-1674 Protest at 43; MISO IPPs Docket No. ER25-1674 Protest at 20.

[350] Clean Grid Alliance Protest at 11-12, 15; NextEra Docket No. ER25-1674 Protest at 25-26.

[351] NextEra Docket No. ER25-1674 Protest at 26.

[352] Clean Grid Alliance Protest at 80-81.

[353] Clean Energy Associations Docket No. ER25-1674 Protest at 19.

an EGIA is not stringent enough and may lead to late-stage withdrawals.[354] Clean Grid Alliance further contends that the Revised ERAS Proposal's lack of provisions to address potential ERAS restudies, based on an expectation that there will not be any, is a "gamble."[355]

142. Constellation argues that that the proposal appears to impose higher and unreasonable disclosure obligations on projects serving retail choice customers.[356] DTE Electric states that the Commission should clarify that the sunset provision in MISO's proposed Tariff language does not preclude it from revisiting the sunset date if circumstances require.[357]

143. NextEra asserts that the ERAS site control requirements are not more rigorous than those applied to DPP interconnection requests,[358] and even if they were, demonstrating 100% site control is insufficient to ensure that ERAS interconnection requests are "shovel ready," as other resources that demonstrate 100% site control still encounter challenges that delay commercial operation.[359] NextEra asserts that MISO did not propose objective criteria to ensure that interconnection requests are "shovel ready," and therefore there is no assurance that ERAS interconnection requests will not be delayed similarly to DPP interconnection requests.[360]

144. PIOs argue that MISO's proposed commercial operation date requirement fails to prevent preferential treatment towards ERAS interconnection requests, which may not

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[354] Clean Grid Alliance Protest at 13.

[355] *Id.* at 13-14.

[356] Constellation Protest at 5-6.

[357] DTE Electric Comments at 5.

[358] NextEra Docket No. ER25-1674 Protest at 24-25 (citing MISO, Proposed Tariff, attach. X(GIP) (175.0.0), § 7.2.2.1(ii) (requiring customers to demonstrate 100% site control for all "Interconnection Customer's Facilities (including demonstration of switchyard site control if requested by the Transmission Provider), and, if applicable (i.e., when the Interconnection Customer is providing the site for such facilities), the Transmission Owner's Interconnection Facilities and Network Upgrades at the [Point of Interconnection] that the Interconnection Customer will develop")).

[359] NextEra Docket No. ER25-1674 Protest at 25 (citing Witmeier Rebuttal Testimony at 14).

[360] NextEra Protest at 25.

reach commercial operation for another eight years following MISO's filing.[361] PIOs also point out that MISO's commercial operation date requirements differ from those in PJM RRI, which required RRI projects to waive the one-year milestone extension provided for in PJM's generator interconnection process.[362]

(1) Executed Agreement Requirement

145. Several protesters argue that the executed agreement requirement unduly discriminates against different classes of interconnection customers. As evidence, they point out that pursuant to this executed agreement requirement, non-LSEs and other competitive generation developers must obtain an offtake agreement to qualify, while LSEs can simply voice an intention to self-supply.[363] Michigan Commission states that while the carve out for 10 independent power producer interconnection requests is helpful, incumbent utilities can self-supply while independent power producers must take an additional step of having an executed agreement or work with an LSE to meet a resource adequacy need.[364] Several protesters similarly assert that the requirement for independent power producers contracting with LSEs to submit an executed agreement to achieve the first stage of eligibility fails to provide access to independent power producers on a comparable and sufficiently non-discriminatory basis.[365] Several protesters assert that this is an additional, unfair burden that limits competitive independent power producers' viability in ERAS.[366] EPSA requests that the Commission require MISO to remove these requirements for independent power producers or, at a minimum, that the Commission delay the due date for ERAS submission for the independent power producer carve outs, which would allow time for MISO states to

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[361] PIOs Protest at 25.

[362] *Id.* at 26 (citing PJM RRI Order, 190 FERC ¶ 61,084 at P 265).

[363] Clean Energy Associations Protest at 31; Clean Energy Associations Docket No. ER25-1674 Protest at 11-17; Clean Grid Alliance Protest at 26-27, 75; MISO IPPs Docket No. ER25-2674 Protest at 12-13; NextEra Docket No. ER25-1674 Protest at 36-38; PIOs Protest at 5; PIOs Docket No. ER25-1674 Protest at 10-12.

[364] Michigan Commission Protest at 10.

[365] Clean Energy Associations Docket No. ER25-1674 Protest at 11-17; EPSA Comments at 5; Invenergy Protest at 7; Michigan Commission Protest at 10; MISO IPPs Docket No. ER25-1674 Protest at 12-13; NextEra Docket No. ER25-1674 Protest at 37-38; PIOs Protest at 5; PIOs Docket No. ER25-1674 Protest at 11.

[366] Clean Energy Associations Docket No. ER25-1674 Protest at 11-17; Clean Grid Alliance Protest at 61-62.

determine the RERRA verification process for independent power producer interconnection requests, and for all independent power producers to negotiate the required agreements and meaningfully participate in the ERAS process.[367] Invenergy argues that it is unclear how independent power producers may present contracts to RERRAs under MISO's proposal, particularly where some state laws prohibit interconnection customers from making requests to RERRAs.[368]

146. MISO IPPs, Clean Energy Associations, Clean Grid Alliance, PIOs, and NextEra assert that independent power producers and load typically execute agreements after receiving cost estimates to appropriately price the agreement before execution.[369] Accordingly, these entities argue that the Revised ERAS Proposal discriminates against non-LSEs because ERAS is either non-viable for non-LSEs or is more stringent than the self-supply acknowledgement.[370] Clean Energy Associations assert that because some network upgrade costs will not be known in time to execute a durable offtake agreement, this may harm reliability needs and could cause disruption without benefit, as purchasers would sign a PPA that may lead to over-procurement to avoid contract termination or dropping out of ERAS altogether.[371]

147. NextEra and PIOs contend that independent power producers may not be able to enter ERAS unless an LSE grants the independent power producer an agreement or otherwise cooperates with the independent power producer, which, in effect, allows LSEs to choose which resources qualify for ERAS.[372] NextEra asserts that the CAISO IPE proposal gave independent power producers realistic opportunities to obtain interconnection service, but that ERAS does not have any of the CAISO IPE proposal's

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[367] EPSA Comments at 5-6.

[368] Invenergy Protest at 5.

[369] Clean Energy Associations Docket No. ER25-1674 Protest at 12, 49; Clean Grid Alliance Protest at 74-75; MISO IPPs Docket No. ER25-1674 Protest at 13; NextEra Docket No. ER25-1674 Protest at 36-37; PIOs Docket No. ER25-1674 Protest at 11-12.

[370] Clean Energy Associations Protest at 13-16; Clean Grid Alliance Protest at 61-62; MISO IPPs Docket No. ER25-1674 Protest at 13; NextEra Docket No. ER25-1674 Protest at 36-37.

[371] Clean Energy Associations Docket No. ER25-1674 Protest at 13-15.

[372] NextEra Docket No. ER25-1674 Protest at 38; PIOs Docket No. ER25-1674 Protest at 10.

guardrails to ensure no undue discrimination against independent power producers.[373] Additionally, NextEra asserts that the risk of undue discrimination is exacerbated by ERAS allowing some entities, like cooperatives, to be both LSEs and RERRAs, which may incentivize the entity to prevent independent power producers from obtaining access to ERAS to protect the competitive advantage of its resources.[374] NextEra asserts that the Commission has historically rejected proposals that disadvantage independent power producers and other non-incumbents, citing to a PacifiCorp proposal that had different commercial readiness demonstration options for LSEs and independent power producers[375] and a Public Service Company of Colorado proposal that had commercial readiness criteria that were "likely too stringent for independent power producers to meet."[376] NextEra further asserts that, in Order No. 2023, the Commission declined to adopt requirements and criteria for demonstrating commercial readiness by submitting an executed term sheet or an executed PPA because these "may not be workable in markets where merchant sales are common."[377]

148. Clean Grid Alliance argues that independent power producers do not have access to information about load that "meet[s] an identified resource adequacy and/or reliability need," either at all or at the same time/level as LSEs.[378] Clean Grid Alliance also argues that the ERAS proposal will send the wrong market signals and stifle competition because it denies independent power producers' meaningful participation and restricts competition.[379]

149. Clean Grid Alliance further argues that ERAS unduly preferences LSEs because an LSE can submit an expedited process review as an exception to the standard MISO Transmission Expansion Plan (MTEP) process to include transmission to serve such spot load, which may make obtaining a RERRA certification easier, while an independent

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[373] NextEra Docket No. ER25-1674 Protest at 39 (citing CAISO IPE Order, 188 FERC ¶ 61,225 at PP 174, 176).

[374] *Id.* at 38.

[375] *Id.* at 34 (citing *PacifiCorp*, 171 FERC ¶ 61,112, at PP 68-69 (2020)).

[376] *Id.* at 35 (citing *Pub. Serv. Co. of Colo.*, 183 FERC ¶ 61,166, at P 65 (2023) (*PSCo*)).

[377] *Id.* at 35-36 (citing Order No. 2023, 184 FERC ¶ 61,054 at PP 614-615, 696-98).

[378] Clean Grid Alliance Protest at 73.

[379] *Id.* at 61-62.

power producer cannot.[380] Additionally, Clean Grid Alliance contends that independent power producers will face greater barriers to exit the DPP due to the withdrawal penalties than LSEs, which have a safety net with costs backstopped through the state public utility commission.[381] Accordingly, protesters assert that the executed agreement requirement in ERAS is an additional, unfair burden that limits competitive independent power producers' viability.

(2) Local Resource Zone

150. PIOs argue that MISO's proposed requirement that an ERAS interconnection request must be located within the same Local Resource Zone as the load it will serve, unless the project was included in a resource filing or other submission to the RERRA, adds another element of discrimination.[382] Invenergy argues that the proposed Local Resource Zone requirement artificially constrains the number of eligible interconnection requests that might be suited to serve a resource adequacy need.[383]

151. PIOs further argue that the structural differences in relationship with the RERRA for independent power producers compared to LSEs will make it significantly harder for independent power producers to ensure that a project located outside of a Local Resource Zone is included in a resource filing or submission before the RERRA.[384] Relatedly, Constellation argues that it is "beyond dispute" that a generating facility in one Local Resource Zone can serve load in another, and it is therefore unduly discriminatory for MISO to propose excluding an interconnection request for consideration in ERAS simply because the proposed generating facility is located in a different Local Resource Zone.[385] Constellation asserts that MISO's proposed exception in this respect does not change that. Further, Constellation argues that MISO has not explained what "resource filing or other submission made to the RERRA" would satisfy this requirement, particularly in retail choice states.

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[380] *Id.* at 73-74.

[381] *Id.* at 79.

[382] PIOs Protest at 9.

[383] Invenergy Protest at 12.

[384] PIOs Protest at 9.

[385] Constellation Protest at 7.

(3) Requested Interconnection Service May Not Exceed 150% of Identified Need

152. Michigan Commission and PIOs argue that, by capping interconnection requests at 150% of the identified need, the Revised ERAS Proposal effectively excludes renewable energy project participation and unfairly tilts the scales in favor of thermal generation.[386] PIOs explain that any new generation resource seeking interconnection needs interconnection service that matches its nameplate capacity, or it will be forced to curtail its output regularly.[387] PIOs argue that, as a result, ERAS effectively eliminates any resource receiving less than 67% capacity accreditation because such resources would have to request interconnection service in excess of 150% of the identified MW need to match the nameplate capacity.[388] PIOs further argue that MISO fails to engage with the fact that wind and solar resources receive significantly lower accreditation than other generation facility types and will therefore be uniquely impacted.[389] PIOs add that data presented at recent stakeholder meetings demonstrate that accredited values for renewable generation fell below 67%.[390] PIOs assert that MISO's discriminatory approach in the ERAS process cannot be justified because it is not tailored to meet MISO's stated resource adequacy and reliability needs.

153. Michigan Commission contends that the Initial ERAS Proposal, which capped interconnection requests at 125% of identified need and based the requirement on accredited capacity, instead of interconnection service, had a closer link to resource adequacy needs and was more equitable across fuel types. Michigan Commission asserts that in the alternative, if the amount remains based on interconnection service, the cap

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[386] Michigan Commission Protest at 14-15; PIOs Protest at 10-11.

[387] PIOs Protest at 10.

[388] *Id*. PIOs further explain that, for example, "To meet a resource adequacy need of 100 MW, a resource with, e.g., 50% capacity accreditation would need to build to 200 MW of nameplate capacity, but Interconnection Service at that level would exceed MISO's proposed 150% limit." *Id*.

[389] *Id.* at 11.

[390] *Id.* (citing MISO, Resource Adequacy Subcommittee (RASC), *LOLE Modeling Enhancements Storage Modeling* 19 (Apr. 9, 2025), https://cdn.misoenergy.org/20250409%20RASC%20Item%2008%20LOLE%20Modeling%20Enhancements%20St orage%20Modeling689245.pdf (using "even loss" values pursuant to MISO's proposed modeling approach in that presentation)).

should be raised to 200% to allow for renewable projects to participate and assuage discriminatory concerns.[391]

154. Clean Energy Associations also argue that the new requirement that the amount of interconnection service requested must not exceed 150% of the identified MW need will functionally cap intermittent resources and does not better link the claimed resource adequacy need and the proposed interconnection request, contrary to MISO's claim.[392]

iii. Answers

(a) MISO Answer

155. MISO states that it started with a base of 50 interconnection requests similar to the PJM RRI but ultimately proposed additional carve outs for 10 independent power producer interconnection requests and eight retail choice interconnection requests to reflect its unique environment that includes two retail choice states.[393] MISO argues that this cap, along with the 10 interconnection request limit per ERAS quarterly study period, will enable MISO to work efficiently on both ERAS and DPP studies. MISO explains that it determined a cap of eight interconnection requests for retail choice states based on internal analysis and discussion with retail choice states.[394] MISO asserts that a cap of eight interconnection requests for retail choice states strikes the right balance to proportionately allocate interconnection requests to retail choice states, based on the portion of MISO's footprint that those states represent.[395] MISO clarifies that the two carve outs are separate.

156. In response to protests that the 10-day RERRA review period is insufficient, MISO states that the 10-day timeframe, which was originally agreed to by stakeholders, is not intended to be a comprehensive review of the interconnection requests.[396]

157. MISO further clarifies, in response to Constellation, that the Revised ERAS Proposal does not impose higher obligations on interconnection requests serving retail

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[391] Michigan Commission Protest at 15.

[392] Clean Energy Associations Docket No. ER25-1674 Protest at 10.

[393] MISO Answer at 13-14.

[394] *Id.* at 15.

[395] *Id.* (citing Witmeier Testimony at 37).

[396] *Id.* at 16.

choice customers.[397] MISO states that it is requiring the same non-confidential information from all ERAS interconnection requests and has created a process to allow interconnection customers serving retail choice customers to participate in ERAS. MISO further states that while it recognizes that retail load in Michigan is already fully provided for, it cannot require the states to serve resource adequacy needs in certain ways and is simply providing a tool for states with resource adequacy needs.[398]

158. MISO asserts that the purpose of the independent power producer carve out is to address claims that LSEs could block independent power producers from participating in the ERAS process.[399] MISO clarifies that independent power producers may also submit interconnection requests in the remaining group of 50 ERAS interconnection requests so that the independent power producer carve out functions as a guaranteed floor of 10 independent power producer-only interconnection requests. MISO answers that it opposes a delay in the due date for ERAS submission for the independent power producer carve out because it is impractical and administratively burdensome.[400]

159. MISO asserts that a ranking or scoring process is not appropriate because MISO does not believe that it should prescribe to a state or RERRA which interconnection requests should be selected.[401] MISO states that a state or RERRA can implement their own scoring or ranking criteria, but it is ultimately the state's role, not MISO's, to determine the resources that will be utilized in their jurisdiction due to the unique jurisdictional divide under the FPA. Thus, MISO states that it will not specify a state process, regardless of protesters' arguments that doing so would be more transparent or otherwise preferable.

160. MISO contends that the new RERRA verification requirement provides states and RERRAs with different regulatory review processes necessary flexibility and does not supplant these review processes.[402] MISO states that an interconnection request approved to participate in ERAS must still receive approval through the state's corresponding regulatory review process, thus ensuring that the RERRA verification does not pre-determine any outcome of an applicable state process. MISO further asserts that it cannot

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[397] *Id.* at 17.

[398] *Id.* at 18.

[399] *Id.* at 19.

[400] *Id.* at 20.

[401] *Id.* at 24-25.

[402] *Id.* (citing Transmittal at 31; MISO Proposed Tariff, attach. X (GIP), § 3.9.1).

and should not mandate a set review process with pre-determined characteristics that supplant the RERRA's determinations with its own. MISO believes that RERRAs are the appropriate entity to select ERAS participants, especially with the Revised ERAS Proposal's guardrails. MISO disagrees with protesters that RERRAs will be incentivized to provide a verification for certain interconnection requests because the interconnection requests would need to receive approval through a full state review process. Finally, MISO states that the Revised ERAS Proposal balances respect for states' jurisdictions over their own resource mixes with requiring sufficient information and verification from the RERRA that the proposed interconnection requests is appropriate for ERAS.[403]

161. In response to Michigan Commission's opposition to a RERRA verification relying on a state energy forecast or other forward-looking forecast as support, and its contention that this is too broad as to allow nearly any interconnection request to qualify, MISO argues that it believes that it is a RERRA's prerogative to determine what supporting information to utilize.[404] MISO further argues that it believes that it is not appropriate for one state to dictate the supporting information that another state uses. MISO further explains that it is not the resource planner for the states within its footprint, and the RERRA verification requirement will tighten the nexus between the proposed ERAS interconnection request and an identified resource adequacy and/or reliability need. MISO additionally contends that the Local Resource Zone requirement will tighten the nexus between the RERRA-verified interconnection request and the resource adequacy need.[405] MISO asserts that the RERRA verification and executed agreement requirements provide strong evidence that an interconnection request's output will be used by the designated load.

162. In response to protesters' arguments regarding *Xcel*, MISO states that the Commission determined that the process in that case was unduly discriminatory because it excluded interconnection customers that did not participate in the state-sponsored bidding process.[406] MISO contends that this is not the case with the ERAS process because it is open to all applicants, not just those involved in a state solicitation process.

163. MISO states that the arguments that LSEs will exert undue influence over which resources qualify for ERAS by refusing to enter into agreements with competing

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[403] *Id.* at 25-26.

[404] *Id.* at 24.

[405] *Id.* at 26-27 (citing Tab A, (Witmeier Docket No. ER25-1674 Rebuttal Testimony, at 10).

[406] MISO Docket No. ER25-1674 Answer at 16-17 (citing *Xcel*, 106 FERC ¶ 61,260 at P 22).

interconnection customers assumes counterintuitive behavior from LSEs and load drivers that should reasonably select the most preferable project option.[407] MISO argues that ERAS does not require nor encourage the selection of an LSE's project over another equally beneficial project, and regardless, the executed agreement requirement will severely limit the possibility of this occurring. MISO also contends that while LSEs that own generation may self-supply, they still must receive approval from the RERRA.[408] Additionally, MISO states that any disadvantage experienced by independent power producers in this competition is not a result of ERAS.[409] MISO also notes that ERAS is not intended to work for the majority of interconnection requests but to be a unique, time-limited process for "shovel ready" projects to address near-term load needs.[410]

164. MISO argues that, contrary to protester assertions, the ERAS process is intended to be complementary to the state regulatory review process that ensures that projects are necessary, cost-effective, and in the public interest.[411] MISO further clarifies that while an interconnection request must include a RERRA verification to participate in ERAS, that does not guarantee acceptance into ERAS, and the other eligibility requirements will ensure that an interconnection request is "shovel ready."[412]

165. MISO states that while it considered a scoring approach, it ultimately determined that because of MISO's composition, states should be left to determine their own resource adequacy needs.[413] MISO additionally states that ERAS does not need scoring criteria because its strict eligibility requirements ensure that only projects that are truly commercially ready can participate.[414]

166. In response to concerns that the executed agreement requirement is unduly discriminatory toward independent power producers, MISO states that ERAS is structured to encourage negotiation and agreement to occur earlier in the planning

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[407] *Id.* at 25.

[408] *Id.* at 28.

[409] *Id.* at 25.

[410] *Id.* at 27.

[411] *Id.* at 18.

[412] *Id.* at 19.

[413] *Id.* at 31.

[414] *Id.* at 32.

process. MISO states that it has found that DPP interconnection customers without PPAs cited the lack of a PPA as the reason for their commercial operation date delay. MISO also states that it permits flexibility by not requiring detail in these agreements beyond that they will meet the load's identified resource adequacy need.[415]

167. MISO clarifies that it limited ERAS interconnection requests to 150% of the identified need based on the MW of interconnection service requested, not based on nameplate or accredited capacity.[416] MISO asserts that ERAS is focused on interconnection service rather than accredited capacity because it is resource neutral and only focused on "shovel ready" projects.[417]

168. In addition, MISO provides several clarifications regarding the purpose and use of proposed ERAS fees, milestones, and payments. MISO explains that, if an ERAS application is deemed ineligible, the non-refundable D1 application fee will be used for costs related to managing the ERAS process and that the application fee also serves to ensure only "shovel ready" projects are submitted.[418] MISO also clarifies that, with regard to proposed GIP provisions specifying that ERAS interconnection customers are eligible for a refund of the "remaining" M2 milestone upon withdrawal after GIA execution, the remaining M2 milestone would be what remains after meeting the initial milestone payment and/or the network upgrade costs memorialized in the EGIA.[419] MISO explains that any refund of the M2 milestone after GIA execution assumes that either the interconnection request did not result in network upgrades or that those network upgrades were less than the M2 milestone. In addition, MISO explains that an ERAS interconnection customer is liable for the network upgrade costs regardless of whether those costs are covered by the initial payment requirement under the EGIA or financial security rules. MISO reiterates that ERAS interconnection customers are responsible for any remaining network upgrade costs documented in the EGIA, and any corresponding facilities construction agreements or multi-party facilities construction agreements, even if the ERAS interconnection customer withdraws after EGIA execution.[420] Finally, MISO explains that, regarding whether transfer of ownership of

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[415] *Id.* at 28-29.

[416] MISO Answer at 28.

[417] *Id.* at 28-29.

[418] *Id.* at Tab B, MISO Supplemental Answer, Docket No. ER25-1674-000 (filed Apr. 29, 2025), at 3 (MISO Docket No. ER25-1674 Supplemental Answer).

[419] MISO Docket No. ER25-1674 Supplemental Answer at 6.

[420] *Id.* at 7 (citing MISO, Proposed Tariff, attach. X (GIP) (169.0.0), § 3.9.6.3).

ERAS projects after EGIA execution also transfers the load obligation, the commercial terms to address project transfer are outside the scope of the ERAS process.

(b) Additional Answers

169. In response to MISO's answer, Clean Grid Alliance argues that the ERAS process, unlike the DPP, is not an open or non-discriminatory process.[421] Instead, Clean Grid Alliance argues that the ERAS process makes LSEs, which "have an incentive to favor their own generation a gatekeeper for new generation."[422] Clean Grid Alliance further contends that FPA section 205 requires MISO to affirmatively demonstrate that its proposal is not unduly discriminatory and will not result in the unintended consequences discussed by protesters.[423] Clean Grid Alliance asserts that attempts to distinguish *Xcel* are unconvincing because the unduly discriminatory outcome that the Commission rejected there, where "Interconnection Customers that [did] not take part in . . . state-sponsored bidding [could not] compete . . . on an equal footing"[424] is "akin to" that presented by the ERAS proposal.[425] More specifically, Clean Grid Alliance claims that the executed agreement requirement, which requires "*some* kind of agreement in place with an LSE," prevents independent power producers from competing with LSEs on equal footing.[426] Clean Energy Alliance further avers that Order No. 2003 makes clear that the Commission should not approve deviations from its *pro forma* LGIP that provide "the mere opportunity for LSE (transmission owner) preference" and that the opportunity for undue discrimination is intrinsic to the ERAS proposal.[427]

170. Further, Clean Grid Alliance argues that MISO fails to support its claim that it worked closely with states to ensure that independent power producers have comparable

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[421] Clean Grid Alliance Docket No. ER25-1674 Answer at 3-4.

[422] *Id.*

[423] *Id.* at 4 (citing *Midcontinent Indep. Sys. Operator, Inc*., 154 FERC ¶ 61,247, at P 77 (2016)).

[424] *Id.* at 5 (citing *Xcel*, 106 FERC ¶ 61,260 at P 23).

[425] Clean Grid Alliance Docket No. ER25-1674 Answer at 5.

[426] *Id.* at 5-6 (quoting MISO Docket No. ER25-1674 Answer at 25 (emphasis in original)).

[427] *Id.* at 6 (citing Order No. 2003, 104 FERC ¶ 61,103 at P 696).

ability to participate in the ERAS process.[428] Additionally, Clean Grid Alliance asserts that it has cited "ample" precedent to support a finding that LSEs have an incentive to favor their own generation.[429] Clean Grid Alliance claims that the ERAS proposal is unduly discriminatory by providing an "exclusive preferential fast track for priority access to transmission headroom over DPP project to RERRA-anointed projects."[430] To this point, Clean Grid Alliance contends that ERAS interconnection requests enjoy penalty-free withdrawal during the study process, an advantage over DPP interconnection requests, and that relaxing DPP rules conflicts with MISO's claim that ERAS interconnection requests are "shovel ready." Further, Clean Grid Alliance argues that there is undue preference with respect to the ERAS power flow study dispatch over the DPP power flow study dispatch that "significantly lowers" the cost of interconnection for ERAS interconnection requests.[431]

171. Clean Grid Alliance asserts that MISO has not justified the proposed cap of 68 interconnection requests to be studied in ERAS. Specifically, Clean Grid Alliance avers that MISO's statement that it chose to cap LSE ERAS interconnection requests at 50, because that was the cap for the PJM RRI, is unreasonable because MISO has different resource needs than PJM and, further, that ERAS does not resemble the PJM RRI construct.[432]

172. Additionally, Clean Grid Alliance asserts that MISO does not justify allocating only 10 interconnection requests to independent power producers when LSEs have nearly unfettered access to the bulk of the ERAS interconnection request slots, to which LSEs can impose barriers to independent power producers' access.[433] Clean Grid Alliance asserts that RERRAs will not be able to verify ERAS interconnection requests submitted by independent power producers over those submitted by LSEs because LSEs will be able to deny agreements to independent power producers and reserve the 50 ERAS interconnection request slots for their own ERAS interconnection requests. Clean Grid Alliance avers that this is unduly discriminatory and preferential because independent

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[428] *Id.* at 7.

[429] *Id.* at 8 (citing *Nat. Ass'n of Reg. Util. Comm'rs v. FERC*, 475 F.3d 1277, 1279 (D.C. Cir. 2007); *Xcel Energy Servs., Inc. v. FERC*, 41 F.4th 548, at 561 (D.C. Cir. 2022)).

[430] *Id.* at 8-9.

[431] *Id.* at 9-10.

[432] Clean Grid Alliance First Answer at 10.

[433] *Id*. at 13-14.

power producers and LSEs are similarly situated because both entities seek to develop generation to serve load. Clean Grid Alliance adds that an LSEs' obligation to serve does not justify the undue discrimination created by the Revised ERAS Proposal.[434]

173. Clean Grid Alliance argues that, due to the reliability gaps resulting from MISO's proposed study modeling approach, the Revised ERAS Proposal conflicts with open access principles.[435]

174. MISO IPPs argue that the Commission cannot assume that there will be no undue discrimination or preference, or rely on RERRAs to see to that outcome, when MISO's Tariff language does not provide a reasoned basis for concluding that MISO has guarded against undue discrimination or preference.[436] MISO IPPs state that MISO's answer incorrectly defends that undue discrimination or preference as either a necessary feature or a harmless byproduct of its regulatory model.[437] More specifically, MISO IPPs argue that this proceeding is about interconnection service, which is within the Commission's exclusive jurisdiction under the FPA, and that the Commission is obligated to prevent undue discrimination or preference within its jurisdiction regardless of the MISO state's role in maintaining resource adequacy.[438] MISO IPPs also state that MISO's valid resource adequacy needs are a non-sequitur that does not excuse a violation of the statutory prohibition on treating similarly situated entities differently.[439] MISO IPPs aver that MISO's suggestion that RERRAs would not engage in discriminatory or preferential behavior because each ERAS project will still require state permits is not enough to meet MISO's burden under FPA section 205.[440]

175. MISO IPPs also state that the proposed carve out for 10 ERAS interconnection requests that may be submitted by independent power producers is unjustified and unduly discriminatory. MISO IPPs argue that MISO's answer, which states that independent power producers can also compete with the general group of 50 ERAS interconnection requests, does not resolve the undue discrimination concerns with the Revised ERAS

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[434] Clean Grid Alliance Docket No. ER25-1674 Answer at 14.

[435] Clean Grid Alliance First Answer at 8.

[436] MISO IPPs Answer at 4.

[437] *Id.* at 5.

[438] *Id.* at 5-7.

[439] *Id.* at 7-8.

[440] *Id.* at 8 (citing MISO Answer at 25).

Proposal's cap and carve outs because the 50 slots allotted for LSEs will be controlled by vertically integrated utilities.[441] MISO IPPs argue that MISO has not justified why LSEs should have five times as many slots to submit ERAS interconnection requests.[442]

176. MISO IPPs argue that the Local Resource Zone requirement is unduly discriminatory. Specifically, MISO IPPs argue that the proposed requirement that an ERAS interconnection request only be included in an integrated resource plan filing, instead of approved by a RERRA, is not relevant to the determination of whether the interconnection request is better situated than others to meet the resource adequacy or reliably need in question.[443] MISO IPPs aver that this requirement is susceptible to gaming by LSEs that can adjust their integrated resource plan filings.[444] MISO IPPs further argue that MISO's answer does not explain how the Local Resource Zone requirement will address import-export concerns simply because the interconnection request is proposed in an integrated resource plan.[445]

177. Clean Energy Associations assert that the extent to which MISO will permit independent power producers to compete on equitable terms for the remaining 50 ERAS interconnection request spots remains unresolved by MISO's answer.[446] Clean Energy Associations state that MISO clarifies that, although independent power producers can compete for the 50 ERAS interconnection request spots, "projects submitted by [independent power producers] without LSEs are maxed out at 10 projects."[447] Clean Energy Associations assert that MISO's interpretation does not align with the plain language of the Tariff because the proposed Tariff language does not state that an entity must be an LSE to be eligible to compete for the 50 ERAS interconnection request spots.[448]

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[441] *Id.* at 9-10 (citing MISO Answer at 19).

[442] *Id.* at 10.

[443] *Id.* at 12.

[444] *Id.*

[445] *Id.* (citing MISO Answer at 27).

[446] Clean Energy Associations Answer at 5-6 (citing Clean Energy Associations Protest at 30).

[447] *Id.* at 6 (citing MISO Answer at 19).

[448] *Id.* at 6-7 (citing MISO, Proposed Tariff, attach. X (175.0.0), § 3.9.1(2)(b)).

178. Clean Energy Associations argue that the 10 ERAS interconnection request carve out for independent power producers without an LSE contract is a permission structure for discrimination that contradicts well-established open access principles.[449] Clean Energy Associations assert that, under MISO's interpretation of the Tariff language, independent power producer interconnection requests will be at a disadvantage relative to LSE-owned or affiliated interconnection requests because the requirement to have a contract with an LSE puts the LSE in a gatekeeper role.[450] Furthermore, Clean Energy Associations argue that, by requiring that ERAS generating facilities must serve new load not accounted for in a resource plan or address a resource adequacy deficiency, independent power producers will be at an additional disadvantage because only the RERRA and LSE are likely to know what new load is unaccounted for in a resource plan.[451] Clean Energy Associations assert that the disadvantage faced by independent power producer interconnection requests relative to LSE-owned or affiliated interconnection requests results in a failure by MISO to address the preferential treatment for LSE projects and undue discrimination against independent power producer projects without LSE involvement.[452]

179. Clean Energy Associations contend that MISO's answer did not sufficiently respond to their claim that the 150% nameplate cap would only allow thermal resources to participate in ERAS; rather, MISO merely stated that its approach is resource neutral.[453] Clean Energy Associations assert that MISO ignores that the eligibility of planning resources to provide resource adequacy benefits depend on interconnection service in addition to capacity accreditation. Accordingly, Clean Energy Associations assert that, while remaining facially neutral as to which resources request it, the 150% limitation will operate as a functional bar on certain resources meeting an identified need. Clean Energy Associations argues that this approach will likely prevent non-thermal resources from being considered to meet identified needs because RERRAs and project sponsors are unlikely to consider solutions that would leave a substantial amount of capacity unstudied and incapable of being delivered.[454]

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[449] *Id.* at 8.

[450] *Id.* at 7 (citing Clean Energy Associations Protest at 27-30).

[451] *Id.* (citing Clean Energy Associations Protest at 14).

[452] Clean Energy Associations Answer at 7.

[453] *Id.* at 10 (citing MISO Answer at 29).

[454] *Id.* at 11.

180. PIOs argue that MISO's proposal requiring an ERAS interconnection customer to request interconnection service of no more than 150% of the identified need discriminates against renewable generating resources because it would require such resources to interconnect at a level that prevents them from full economic dispatch. PIOs further argue that this is true even if a renewable generator is paired with battery storage, which PIOs allege would become a prerequisite for renewable generators' participation in ERAS in practice. PIOs contend that this requirement would result in renewable generators being limited in their ability to fully participate in times of increased demand and could impact utilities' future resource planning if renewable generators are limited in their output.[455]

181. PIOs argue that MISO's answer does not address PIOs' concern regarding the adequacy of oversight for the RERRA verification requirement.[456] PIOs contend that MISO did not make meaningful changes to the RERRA role in the Revised ERAS Proposal compared to the Initial ERAS Proposal.[457] PIOs further contend that, in its answer, MISO continues to refuse the adoption of any standard for the RERRA verification to explain how it weighs the merits of similarly situated interconnection requests for participation in ERAS, despite concerns raised by protesters and in Commissioner See's concurrence.[458] PIOs argue that the Revised ERAS Proposal may create reliance on a state or other forward-looking energy forecast as a supporting factor.[459] PIOs further argue that, as the Michigan Commission notes, this aspect of MISO's proposal would allow any interconnection request to be eligible for ERAS as long as a forecast supports it. PIOs contend that, as a result, utility-funded analyses could be utilized to support such forecasts with no quality standards in place. PIOs assert that MISO's inclusion of "other forward-looking forecast" in its Tariff obliges MISO to accept a RERRA verification based on such a forecast.[460]

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[455] PIOs Answer at 7.

[456] *Id.* at 9.

[457] *Id.* at 10.

[458] *Id.* at 10-11 (citing MISO, Proposed Tariff, attach. X (GIP) (175.0.0), § 3.9.1).

[459] *Id.* at 12.

[460] *Id.* (citing 18 C.F.R. § 35.1(e) (2024) ("No public utility shall, directly or indirectly, demand, charge, collect or receive any rate, charge or compensation for or in connection with electric service subject to the jurisdiction of the Commission, or impose any classification, practice, rule, regulation or contract with respect thereto, which is different from that provided in a rate schedule required to be on file with this

iv. Supplemental Answers

(a) MISO Supplemental Answer

182. MISO states that it intends for independent power producers to be able to compete for the 50 ERAS interconnection request spots regardless of whether the independent power producer's proposed interconnection request includes an agreement with an LSE.[461] MISO states that each of the proposed carve out groups are separate from each other and independent power producers may submit interconnection requests in each group.[462] MISO states that independent power producers without agreements with LSEs that submit interconnection requests to ERAS will first be counted towards the 10 independent power producer-only ERAS interconnection request carve out before being counted to the 50 ERAS interconnection request slots shared with LSEs serving non-retail choice loads.[463]

183. MISO states that the Revised ERAS Proposal is crafted to ensure that all interconnection customers can submit interconnection requests to ERAS for all states in the MISO footprint.[464] MISO explains that the carve out for independent power producers provides a safety net for independent power producers to ensure that they have access to at least 10 spots. MISO further explains that it adopted this carve out in the Revised ERAS Proposal to address stakeholder concerns that independent power producers could be precluded from participating in ERAS by LSEs fully subscribing the cap before independent power producers could submit their interconnection requests or by LSEs refusing to execute agreements with independent power producers.

184. MISO acknowledges that some commenters continue to interpret the proposed Tariff language in GIP section 3.9.2 as capping the number of ERAS interconnection requests that may be submitted by independent power producers, that do not have an agreement with an LSE, to 10. Therefore, MISO states that it would welcome a

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Commission unless otherwise specifically provided by order of the Commission for good cause shown.")).

[461] MISO Supplemental Answer at 3.

[462] *Id*. MISO also clarifies that ERAS interconnection requests addressing retail choice loads may only apply for the retail choice carve out regardless of the entity submitting the interconnection request.

[463] *Id.* at 4.

[464] *Id.*

compliance directive from the Commission requiring MISO to include in its GIP section 3.9.2, in relevant part, the following clarifying revisions:[465]

> The Transmission Provider will evaluate Expedited Resource Addition Study requests in the order in which they are submitted using the time stamp from submission. The Transmission Provider will limit the maximum number of the ERAS Interconnection Requests studied in the ERAS process to no more than 68 projects total until the sunset date noted in Section 3.9.9. The Transmission Provider has carved out a maximum of 8 Interconnection Requests of the total 68 Interconnection Requests that may be submitted in accordance with 3.9.1.1(iii) to serve retail choice load and ~~a maximum of~~ 10 Interconnection Requests of the total 68 Interconnection Requests that may be submitted by Independent Power Producers (IPPs) with agreements with entities other than Load Serving Entities to ERAS until the sunset date noted in Section 3.9.9. The remaining 50 Interconnection Requests of the total 68 Interconnection Requests may be submitted by IPPs or Load Serving Entities (LSEs) to serve non-retail choice load. Interconnection Requests submitted by IPPs with agreements with entities other than LSEs to ERAS will be counted first towards the 10 Interconnection Requests cap of the total 68 Interconnection Requests before the 50 Interconnection Requests to serve non-retail choice load. After the 10 Interconnection Requests submitted by IPPs with agreements with entities other than LSEs are accepted by the Transmission Provider, any subsequent Interconnection Request submitted by IPPs will count toward the remaining 50 Interconnection Requests to serve non-retail choice load.[466]

(b) Additional Supplemental Answers

185. Vistra states that it supports MISO's proposed Tariff language regarding the carve out for independent power producer interconnection requests and asserts that the Commission should direct MISO to adopt such language on compliance. However, Vistra reiterates its argument that the timeline for independent power producers contracting with non-LSEs is too aggressive for such independent power producers to meaningfully participate in ERAS. Specifically, Vistra states that independent power producers contracting with non-LSEs would have to obtain an executed agreement and a RERRA verification by August 11, 2025, which is only days after the requested effective

[465] The strikeout text represents MISO's proposed deletions while the underlined text represents MISO's proposed additions.

[466] MISO Supplemental Answer at 5-6.

date for the instant filing.[467] Vistra contends that this timeline will result in the ten ERAS interconnection spots for independent power producers contracting with non-LSEs to be immediately filled by projects in states that can provide RERRA verifications immediately or by smaller projects that can complete applications quickly.[468] Vistra argues that MISO provides no explanation for its position that extending the timeline for independent power producers contracting with non-LSEs is impractical and burdensome.[469] Vistra further argues that adjusting the timeline would have no effect on the other categories of ERAS interconnection requests or the overall pace of ERAS and that adjusting the timeline would make ERAS more effective.[470]

186. Clean Grid Alliance argues that the MISO Supplemental Answer and proposed Tariff language demonstrates that the Revised ERAS Proposal violates the FPA's competition mandates. Clean Grid Alliance asserts that MISO has not addressed why 10 ERAS interconnection requests are reserved for independent power producers, while 50 ERAS interconnection requests are reserved for LSEs.[471] Clean Grid Alliance further contends that MISO has not addressed the potential for LSEs to unilaterally veto contracts with an independent power producer that apply for the 50 ERAS interconnection requests spots and instead prioritize their own generation resources for ERAS.[472] Clean Grid Alliance argues that the Revised ERAS Proposal lacks a requirement for RERRAs to openly consider proposals from independent power producers, allowing unilateral and unchecked applications by LSEs.

187. Michigan Commission argues that a "retail choice load" and "retail choice state" should be considered separate and distinct classifications for ERAS purposes. Michigan Commission notes that retail choice accounts for a very small portion of the state's electrical supply in the state of Michigan. Michigan Commission asserts that treating all

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[467] Vistra Answer at 4- 5.

[468] *Id.* at 6.

[469] *Id.* (citing MISO Answer at 20; Witmeier Docket No. ER25-1674 Rebuttal Testimony at 7-8).

[470] *Id.* at 6-7.

[471] Clean Grid Alliance Second Answer at 1; *see also* Clean Grid Alliance Third Answer at 1-2.

[472] Clean Grid Alliance Second Answer at 2.

interconnection requests originating in Michigan as falling under the umbrella of a "retail choice state" is a clumsy simplification that would lead to unjust outcomes.[473]

188. Michigan Commission notes that in MISO's answer and the MISO Supplemental Answer, MISO uses the terms "retail choice states" and "retail choice load" interchangeably in a number of instances.[474] Michigan Commission compares this to MISO's statements in its transmittal, where MISO offered clear distinction between the terms.[475] Michigan Commission explains that Michigan statutory limitations prevent retail choice from exceeding 10% of an electric utility's average weather-adjusted retail sales.[476] Michigan Commission contends that classifying all interconnection requests from the state of Michigan as being located in a "retail choice state," as opposed to classifying each interconnection request based on whether it serves "retail choice load," would severely limit participation from interconnection requests located in Michigan.

189. Michigan Commission requests that the Commission clarify that interconnection requests serving "retail choice load" located in Michigan would be included in the eight-interconnection request retail choice carve out, but that the other 90% of the Michigan load will be eligible to participate in the 10-interconnection request independent power producer carve out or 50-interconnection request "non-retail choice" cap.[477]

190. Invenergy and Clean Grid Alliance raise concerns about certain information included in MISO's "Informational Guide" issued to stakeholders, which states in part that "[a]greements that are not legally binding, such as Letters of Intent, Memorandums of Understanding, or Term Sheets, will not be considered sufficient to meet the off-take agreement requirement."[478] Invenergy argues that this restriction violates the proposed

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[473] Michigan Commission Answer at 3.

[474] *Id.* at 4-5 (citing MISO Supplemental Answer at 3; MISO Answer at 13).

[475] *Id.* at 5-6 (citing Transmittal at 8, 52-53).

[476] *Id.* at 6-7.

[477] *Id.* at 7.

[478] Invenergy Answer at 3-5 (citing MISO, *Expedited Resource Addition Study*, at 7 (posted July 11, 2025), https://cdn.misoenergy.org/ERAS%20Informational%20Guide707493.pdf ?v=20250711150053); Clean Grid Alliance Third Answer at 2-3 (citing same). Invenergy also attaches the ERAS Informational Guide as Exhibit A to its answer.

Tariff language and MISO's statements in this proceeding.[479] Both Invenergy and Clean Grid Alliance also argue that not allowing letters of intent and similar contracts to be included within the scope of "other agreements" under the proposed Tariff[480] raise a barrier to independent power producer participation in ERAS.[481]

(c) MISO Second Supplemental Answer

191. MISO states that any conflation of the terms "retail choice load" and "retail choice state" in its answers was inadvertent. MISO states that the Michigan Commission's understanding, that ERAS interconnection requests serving retail choice load located in Michigan would be included in the eight ERAS interconnection request carve out for retail choice, is correct. MISO further explains that interconnection requests intending to serve the remaining 90% of Michigan load can apply to the 10 ERAS interconnection request spots for independent power producers or the 50 ERAS interconnection request spots for non-retail choice loads.[482]

c. Commission Determination

192. MISO has proposed several eligibility requirements for the ERAS process. We accept these requirements and find them to be just and reasonable and not unduly discriminatory or preferential. Taken together, this comprehensive package of eligibility requirements will deter speculative interconnection requests from entering the ERAS process and minimize disruption to DPP interconnection requests.

193. At the outset, we review the Commission's consideration of open access matters in the context of Order Nos. 888 and 2003. In Order No. 888, the Commission first required open access requirements on a generic basis to address potential discrimination on the transmission system. By requiring an open access transmission tariff, the Commission applied–generically–a comparability standard to jurisdictional transmission providers as it had done previously on a case-by-case basis.[483] Under the comparability standard,

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[479] *Id.* at 4-5.

[480] *See* MISO, Proposed Tariff, attach. X (GIP) (175.0.0), § 3.9.1(2)(d).

[481] Invenergy Answer at 4; Clean Grid Alliance Third Answer at 3.

[482] MISO Second Supplemental Answer at 2-3.

[483] The Commission therefore required "that all public utilities must offer . . . services on a non-discriminatory open access basis" and explained that "[a]n open access tariff that is not unduly discriminatory or anticompetitive should offer third parties access on the same or comparable basis, and under the same or comparable terms and

transmission service was to be offered to third parties on the same or comparable basis as that used by the transmission provider.[484] To implement its requirements, the Commission issued with Order No. 888 a *pro forma* open access transmission tariff and required public utilities to meet the new *pro forma* tariff non-price minimum terms and conditions.[485]

194. In Order No. 2003, the Commission applied Order No. 888's open access requirements to the generator interconnection process in recognition of the fact that generator interconnection is a "critical component of open access transmission service and thus is subject to the requirement that utilities offer comparable service under the [*pro forma* open access transmission tariff]."[486] The Commission found that it was appropriate to establish a standard set of generator interconnection procedures to "minimize opportunities for undue discrimination and expedite the development of new generation, while protecting reliability and ensuring that rates are just and reasonable."[487] To this end, the Commission adopted the *pro forma* LGIP and *pro forma* LGIA and amended its regulations to require all transmission providers to incorporate these standard procedures and agreement into their tariffs.[488]

195. More recently, the Commission rejected MISO's Initial ERAS Proposal because, first, it "place[d] no limit on the number of projects that could be entered in the ERAS process," and second, MISO did "not sufficiently describe how the ERAS process is sufficiently targeted to study only interconnection requests needed to meet the anticipated shortfall in generating."[489] Here, we find that MISO's Revised ERAS Proposal sufficiently addresses these concerns identified in the May 2025 Order by capping the number and size of ERAS projects, strengthening the RERRA verification requirement, requiring ERAS interconnection requests to be located in the same Local Resource Zone as the resource adequacy or reliability need that it will address, absent reasonable

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conditions, as the transmission provider's uses of the system." Order No. 888, FERC Stats. & Regs. ¶ 31,036 at 31,647 (quoting *Am. Elec. Power Serv. Corp.*, 67 FERC ¶ 61,168, at 61,489 (1994)).

[484] *Id.*

[485] Order No. 888, FERC Stats. & Regs. ¶ 31,036 at app. D, para. 13.6.

[486] Order No. 2003, 104 FERC ¶ 61,103 at PP 9, 12.

[487] *Id*. P 11.

[488] *See* 18 C.F.R. 35.28(f)(1) (2024).

[489] May 2024 Order at P 199-201.

exceptions, and making additional changes, as discussed further below. Collectively, these changes ensure the ERAS process is sufficiently limited in scope to swiftly address discrete, demonstrated resource adequacy needs in a narrowly tailored fashion, and on a temporary, time-limited basis. Additionally, we note that the limited, one-time design of the process weighed significantly on our decision here.

196. While interconnection requests that qualify for the ERAS process will have the ability to interconnect on a priority basis, ERAS does not present open access concerns because it is "open, competitive, technology/fuel agnostic, and does not involve MISO favoring or selecting certain projects over others."[490] The Revised ERAS Proposal also applies identical eligibility criteria across all potential interconnection requests. This is similar to the PJM RRI construct, which allows for potential inclusion of any resource regardless of technology.[491] Furthermore, the Revised ERAS Proposal does not restrict or change interconnection customers' access to the DPP process.

197. We note that MISO's specific requirements for ERAS interconnection requests (e.g., location information for the load the ERAS interconnection request will serve, the limitation on the size of ERAS interconnection requests based on the identified resource adequacy shortfall, specific commercial readiness requirements, etc.), strengthened RERRA verification requirements, and MISO's commitment to publicly post detailed information about each ERAS interconnection request and its corresponding type of load served, establishes a clear and transparent process. Therefore, we disagree with protesters that MISO's Revised ERAS Proposal lacks objective and transparent criteria for participation in ERAS.

(a) RERRA Verification Requirement

198. We find that the proposed RERRA verification requirement is just and reasonable and not unduly discriminatory or preferential. We find that MISO has demonstrated that its proposal to require RERRAs to verify that either: (i) the new, incremental load addition is valid and not otherwise included in a resource plan or other process under the RERRA's purview, or (ii) that the generating facility will address a resource adequacy deficiency, is just and reasonable and not unduly discriminatory or preferential.[492]

199. We agree with MISO that the proposed RERRA verification requirement provides the necessary flexibility to recognize the different regulatory review processes across the

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[490] Transmittal at 32.

[491] PJM RRI Order, 190 FERC ¶ 61,084 at PP 118, 121, 123.

[492] *See* Transmittal at 2.

states and RERRAs in the MISO region.[493] MISO has strengthened what was a "notification" requirement in its Initial ERAS Proposal to better ensure that RERRAs affirmatively verify interconnection requests will address specific resource adequacy needs that are not otherwise being addressed. We also find that it is reasonable and appropriate for MISO to allow RERRAs to determine which projects should be selected for ERAS, and to implement their own processes for making such determinations, as this approach strikes a reasonable balance between state authority over resource procurement and Commission authority over generation interconnecting to the interstate transmission system. Accordingly, we find that it is not necessary for MISO to establish scoring criteria or a ranking process for proposed ERAS projects, as protesters suggest. We note that here, we must evaluate whether MISO's Revised ERAS Proposal before us is just and reasonable, and we need not consider alternative proposals. Further, we agree with MISO that RERRAs are uniquely positioned to evaluate the needs in their regions and projects proposed by a developer or LSE[494] and that the Revised ERAS Proposal strikes a reasonable balance between ensuring that an ERAS interconnection request will serve a valid new load or meet a resource adequacy deficiency in MISO while respecting the state's jurisdiction over their own resource mix to address resource adequacy.[495] We disagree with EPSA, Invenergy, and other protesters[496] that state regulators, which are obliged to serve the public interest in accordance with state law, will not be objective in their RERRA verifications. We further find that MISO's reliance on RERRAs in the selection process for ERAS is a practical and expedient solution for each RERRA to identify ways to meet their specific resource adequacy challenges. We note that, as MISO explains, studying an interconnection request through the ERAS process does not pre-determine the outcome of an ERAS interconnection request, as any project must still obtain state approval through the state's corresponding regulatory review process.[497] As several commenters explain, the RERRA verification process balances MISO's need to verify projects that meet resource adequacy needs and the RERRAs' need to not prejudge generation certifications.[498]

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[493] MISO Answer at 24-25.

[494] *Id.* at 22.

[495] *Id.* at 25-26; Southern Regulators Comments at 3.

[496] *Supra* at P 59, P 118.

[497] *See* Transmittal at 31.

[498] Louisiana and Mississippi Commissions Comments at 10; Otter Tail Comments at 4; Texas Commission Comments at 8.

200. We disagree with arguments that the RERRA verification requirement restricts open access by unduly discriminating against interconnection customers in retail choice jurisdictions, such as Illinois and Michigan. Rather, the Revised ERAS Proposal is available to interconnection customers regardless of whether they propose to operate in retail choice or non-retail choice jurisdictions. As MISO explains, the Revised ERAS Proposal was designed to be flexible to accommodate the various RERRA processes and regulatory constructs in the MISO region.[499] Further, the Revised ERAS Proposal adopts a carve out for eight interconnection requests serving retail choice loads (more than 10% of the total number of ERAS interconnection requests allowed under the program) to be studied in ERAS, which was added for the specific purpose of accommodating retail choice loads. Indeed, the Revised ERAS Proposal affords significant flexibility to accommodate interconnection customers in retail choice regions, including by permitting them to participate in ERAS without RERRA verification– a structural accommodation designed specifically to enable retail choice states and regions to participate fairly.[500] We also acknowledge that a significant majority of MISO's load is served through traditional vertically integrated processes.[501] Regarding Michigan Commission's request that MISO remove the proposed Tariff language in GIP section 3.9.1 that RERRA verification can be supported by "a state energy forecast, or other forward-looking forecast," we agree with MISO that the Tariff language is simply included as part of a list of potential information that RERRAs may use and that each RERRA will ultimately determine what information will be required for the ERAS project verification.[502]

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[499] *See* MISO Answer at 25.

[500] Witmeier Testimony at 35-36. We note that Michigan Commission raises concerns with imprecise language in MISO's Answer and MISO's Supplemental Answer regarding retail choice loads and retail choice states; however, we find the proposed Tariff language, as revised by MISO's Supplemental Answer, is clear that the carve out for eight ERAS interconnection requests is for retail choice loads, which would include the 10% limit in Michigan, and the remaining ERAS interconnection requests slots are for non-retail choice load. Further, we note MISO's affirmation of this interpretation, and its explanation that interconnection requests serving the remaining 90% of load in Michigan can apply to ERAS under the 10 ERAS interconnection request spots for independent power producers or the 50 ERAS interconnection request spots for non-retail choice load. MISO Second Supplemental Answer at 2-3.

[501] Transmittal at 22 (citing *Midcontinent Indep. Sys. Operator, Inc.*, 162 FERC ¶ 61,176 at P 67).

[502] MISO Answer at 24.

201. We find unpersuasive protester arguments that the RERRA verification is more difficult to satisfy for certain subcategories of interconnection requests. The record does not demonstrate that certain classes of interconnection customers will necessarily find it more difficult to receive a RERRA verification. RERRA verification may be triggered in numerous ways, not just through participation in one specific state-sponsored process. MISO's proposed GIP section 3.9.1.1 provides that the RERRA verifies that there is a valid, new incremental load addition that is not incorporated in relevant plans or that the proposed generating facility will address an identified resource adequacy deficiency; thus, MISO permits flexibility in satisfying this requirement.[503]

202. Further, we agree with MISO that the precedent in *Xcel* does not require rejection of the Revised ERAS Proposal. First, we note that *Xcel* involved the tariff of a non-independent transmission provider, and the Commission gives such transmission providers less flexibility than RTOs/ISOs to depart from the *pro forma* generator interconnection procedures and *pro forma* generator interconnection agreement.[504] Additionally, the proposal in *Xcel* required an interconnection customer taking part in a state-sponsored bidding process to drop out of the generator interconnection queue if the customer did not win the contract.[505] The *Xcel* proposal also appeared to allow projects submitted as part of the state process to jump ahead of other projects in the queue that were filed first.[506] In contrast, the Revised ERAS Proposal, though it provides an expedited process for certain interconnection requests, does not replace or interfere with the existing DPP process, which remains available to all interconnection requests.

(b) <u>ERAS Cap and Carve Outs</u>

203. We find that MISO's proposal to limit the total ERAS participation to 68 interconnection requests, with a carve out of eight interconnection requests to serve retail choice load and 10 interconnection requests for independent power producers, is just and reasonable and not unduly discriminatory or preferential. We agree with MISO that the Revised ERAS Proposal is narrowly tailored to meet MISO's near-term resource

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[503] MISO, Proposed Tariff, attach. X (GIP) (175.0.0), § 3.9.1.1(a)-(d).

[504] *See* Order No. 2003, 104 FERC ¶ 61,103 at P 26 (allowing RTOs/ISOs to submit LGIP and LGIA terms and conditions that meet an "independent entity variation" standard, which is more flexible than the "consistent with or superior to" and "regional differences" standards). As discussed *supra* in part IV.B.2(c), the parameters of the RERRA verification requirement are clearly stated in MISO's Proposed Tariff.

[505] *Xcel*, 106 FERC ¶ 61,260 at P 22.

[506] *Id*.

adequacy and/or reliability needs.[507] We find that the Revised ERAS Proposal, including the proposed cap and carve outs, strikes a reasonable balance between ensuring broader participation and addressing the resource adequacy needs of the region, while providing reasonable limitations on the number of interconnection requests that will be studied through the ERAS process. Additionally, the proposed cap minimizes the potential for the types of delays that have occurred in the DPP queue to also manifest in the ERAS queue. MISO developed the 68 interconnection request cap in response to the May 2025 Order to limit ERAS participation to a manageable number of interconnection requests that MISO determined it can efficiently study in the short-term consistent with what the Commission approved for PJM's RRI process by design, with adjustments made to accommodate retail choice states and independent power producers in the MISO footprint.[508] Specifically, MISO explains that they coupled the cap with the two respective carve outs to ensure that independent power producers and entities in retail choice states have the exclusive opportunity to participate in ERAS. Therefore, we disagree with protesters' arguments that MISO's proposed cap and carve outs are arbitrary and unsupported.

204. We disagree with protesters' arguments that MISO's proposed cap and carve outs impede open access. Rather, as discussed above, we find that the proposed ERAS process is "open, competitive, technology/fuel agnostic, and does not involve MISO favoring or selecting certain projects over others."[509] Additionally, we find that the carve outs for independent power producers and entities in retail choice states ensure that all interconnection customers will have comparable ability to seek to participate in the ERAS process, regardless of location and ownership type.[510] We also find that MISO's proposed cap is directly responsive to the Commission's concerns in the May 2025 Order that the Initial ERAS Proposal was not just and reasonable because it placed no limit on the number of projects that could be entered in the ERAS process.[511] Our acceptance of

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[507] Transmittal at 35, 47.

[508] MISO Answer at 13.

[509] *See supra* P 190.

[510] *See* PJM RRI Order, 190 FERC ¶ 61,084 at P 123 (finding that PJM's proposal does not violate open access requirements because it provides all interconnection customers the comparable ability to submit an interconnection request for projects with at least 10 MW UCAP to be evaluated under PJM's proposed criteria). *See also* CAISO IPE Order, 188 FERC ¶ 61,225 at P 94 (finding that CAISO's proposal does not present open access issues because all interconnection customers are provided a "comparable ability" to join the cluster).

[511] May 2025 Order, 191 FERC ¶ 61,131 at P 199.

MISO's proposal, including the proposed cap of 68 interconnection requests, is consistent with that precedent.

205. We also disagree with protesters' contention that the Revised ERAS Proposal unduly discriminates against independent power producer interconnection requests with non-LSE agreements. In its answer, MISO provides clarification that the 10 ERAS interconnection request carve out for independent power producers with non-LSE agreements is not a cap on independent power producer interconnection requests, and independent power producers may *also* submit interconnection requests in the general group of 50 ERAS interconnection requests.[512] MISO explains that the purpose of the carve out is to address claims that LSEs could block independent power producers from participating in the ERAS process. We disagree with Clean Energy Associations' arguments that it is unclear whether independent power producers can compete on equitable terms for the general group of 50 spots in ERAS because MISO's proposed Tariff language is not clear on the types of agreements it will accept for those spots. MISO's proposed GIP section 3.9.1.2, which details the various types of acceptable executed agreements, applies to all ERAS interconnection customers regardless of whether they apply for the general 50 spots or the carve out spots for independent power producers and retail choice loads. Further, in its supplemental answer, MISO provides additional detail and sample Tariff provisions to clarify the carve out for independent power producers and states that it would welcome a directive to include such language in its Tariff on compliance.[513] We find that the Tariff provisions described by MISO in its supplemental answer will provide clarity to its Tariff. Therefore, we direct MISO to submit, within 30 days of the date of this order, revisions to its Tariff to incorporate the clarifying language included in its supplemental answer.

206. We further disagree with protesters' arguments that MISO should delay the implementation date, or otherwise provide more time, for independent power producer interconnection requests. Rather, we agree with MISO that creating separate start dates for different groups of ERAS interconnection requests may be impractical, administratively burdensome, and inappropriate.[514] Further, we find that MISO's proposed carve out to accommodate 10 independent power producer interconnection requests, in addition to MISO's clarification that independent power producer interconnection requests may also be included in the general group of 50 ERAS interconnection requests, ensures that independent power producers have comparable

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[512] MISO Answer at 19.

[513] MISO Supplemental Answer at 4.

[514] MISO Answer at 20-21.

access to ERAS.[515] We therefore do not agree with protesters that additional processes for independent power producer interconnection requests are necessary to render the proposal just and reasonable.

(c) Other ERAS Eligibility Requirements

207. We find that the proposed ERAS executed agreement requirement is just and reasonable and not unduly discriminatory or preferential. Protesters argue that, to satisfy this requirement, the options for independent power producers necessarily require more effort than the self-supply option for LSEs.[516] We disagree that this potential distinction renders MISO's proposal unjust and unreasonable and find that MISO's proposal strikes a reasonable balance between reducing speculative projects and ensuring that certain types of interconnection requests or interconnection customers are not excluded from participating in ERAS. We find that the executed agreement requirement will help ensure that only truly "shovel ready" projects are proposed. As MISO states, this requirement ensures that some form of commercial arrangement exists pairing the ERAS project with the specified load and demonstrates that the ERAS project is not merely submitted in the hope of being selected to serve that need,[517] which would not support the objective of identifying more commercially ready projects in ERAS. We note that LSEs that meet the executed agreement requirement through a commitment to self-supply must still be verified by a RERRA, as is the case with the other types of executed agreements that independent power producers may use. We agree with MISO that this requirement prevents participation by speculative entities that "do not have buy in from the need driver."[518] Consequently, we agree that the proposed Tariff language indicates greater commercial readiness, thereby ensuring ERAS projects can meet MISO's urgent, near-term reliability and resource adequacy needs. While protesters may object to this requirement, MISO provides multiple options for interconnection customers to satisfy the executed agreement requirement.[519]

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[515] *Id*. at 19 (citing Witmeier Docket No. ER25-1674 Rebuttal Testimony at 6-7); MISO Supplemental Answer at 4.

[516] *See, e.g.,* Clean Energy Associations Protest at 31; Clean Grid Alliance Protest at 26-27; EPSA Comments at 5; PIOs Protest at 5.

[517] Transmittal at 30-31.

[518] Witmeier Testimony at 42.

[519] MISO, Proposed Tariff, attach. X (GIP) (1750.0), § 3.9.1.2.

208. One such option is the eligibility of interconnection requests with "other agreements" to be included in the ERAS process.[520] By including such an option, MISO provides considerable flexibility for interconnection customers, including independent power producers and RERRAs seeking to procure supply from independent power producers, to satisfy this requirement.[521] We disagree with Clean Energy Associations that it is unclear which agreements apply to the 50 ERAS interconnection spots because the executed agreement requirements of proposed GIP section 3.9.1.2 apply to all ERAS interconnection requests. Further, as noted by both MISO and protesters, CAISO's IPE,[522] PJM's RRI,[523] and the 2024 MISO Queue Cap[524] proposals all incorporate aspects that encourage commercial readiness and, in each of those proceedings, the Commission found that those proposals were not in violation of open access requirements or otherwise unduly discriminatory. We find here that the Revised ERAS Proposal is largely consistent with these proposals, and likewise just and reasonable.

209. Finally, we find that the executed agreement requirement is tailored to achieve MISO's expressed objective for proposing ERAS, that is, meeting urgent, near-term resource adequacy or reliability needs by requiring interconnection customers to have

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[520] *Id.* § 3.9.1.2(d). In response to stakeholder feedback that the executed agreement requirement may prove too onerous, MISO added this option to establish "a minimum requirement that an arrangement exists between the driver of the need and the project to address that need." Witmeier Testimony at 42.

[521] We disagree with Invenergy's and Clean Grid Alliance's arguments that agreements that are not legally binding should satisfy the "other agreement" requirement, as that would have the effect of rendering the "other agreement" requirement meaningless, thereby allowing projects that may not actually be needed to meet an identified resource adequacy need to be included in the ERAS process.

[522] CAISO IPE Order, 188 FERC ¶ 61,225 at P 174 ("[W]e find that CAISO's proposal to account for commercial interest in its evaluation of interconnection requests will help enable CAISO to prioritize the study of the most viable and needed interconnection requests under Cluster Study Criteria.").

[523] PJM RRI Order, 190 FERC ¶ 61,084 at P 155 ("We find PJM's proposed commercial operation date viability criteria . . . reasonably prioritize projects that have a reasonable likelihood of coming online in the near term to meet PJM's resource adequacy needs.").

[524] January 2025 Order, 190 FERC ¶ 61,057 at P 90 ("We also find that . . . [t]hese exempted interconnection requests [which count first towards the MW cap] are associated with generating facilities that are already in service or already have an executed GIA and, therefore, demonstrate a higher degree of commercial readiness.").

entered into agreements to serve specific load needs.[525] MISO has adequately demonstrated that this executed agreement eligibility criterion, along with the RERRA verification requirement, will help ensure that "shovel ready" projects that can meet RERRA-identified, near-term capacity needs are included in the ERAS process. Further, we find that MISO has provided consistent terms and conditions (and multiple avenues) for satisfying this requirement, and the record does not demonstrate that independent power producers, as a class, will be unable to satisfy this uniform requirement.

210. We find that MISO's proposed application fee, site control, milestone, commercial operation date, and Local Resource Zone requirements for ERAS interconnection requests are just and reasonable and not unduly discriminatory or preferential.[526] We agree with MISO that the proposed requirements will help prevent speculative projects from applying to the ERAS process, which will help ensure "shovel ready" projects that meet specific, near-term resource adequacy needs will be studied. While commenters argue that certain requirements, such as milestone payments, could be made more rigorous or stringent to better deter speculative projects from applying to the ERAS process, the Commission is not obligated to consider whether the ERAS proposal is more or less reasonable than other alternatives.[527] We note, however, that even if some protesters would prefer more stringency, the proposed ERAS application fee, site control, milestone, and commercial operation date requirements are all considerably stricter than those established for the DPP and thus designed to strictly limit participation in the ERAS process, which is both appropriate and consistent with MISO's objectives. Further, while other protesters argue that, for example, the $100,000 application fee and withdrawal penalties could be a barrier for them to enter ERAS,[528] we find that these requirements serve as meaningful deterrents against speculative projects.

211. Additionally, with ERAS, like PJM's RRI and CAISO's IPE proposals, MISO has tailored the requirements toward the goal of satisfying near-term reliability and resource adequacy needs by emphasizing "shovel readiness" and commercial readiness. Taken as a whole, MISO has proposed requiring ERAS interconnection customers to post greater financial and non-financial commercial readiness requirements and greater site control requirements, compared to DPP interconnection customers, as well as an NRIS requirement and RERRA verification and executed agreement requirements. We find

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[525] PJM RRI Order, 190 FERC ¶ 61,084 at P 123; CAISO IPE Order, 188 FERC ¶ 61,225 at P 94.

[526] *Supra* PP 36, 38.

[527] *Supra* P 31.

[528] Clean Energy Associations Docket No. ER25-1674 Protest at 19; Clean Grid Alliance Protest at 79.

that, taken together, MISO has proposed a comprehensive package of eligibility requirements that will considerably deter speculative projects from applying to the ERAS process.

212. We disagree with protesters' arguments that MISO's proposed requirement that an ERAS interconnection request's level of requested interconnection service be no more than 150% of the identified MW need is unduly discriminatory. In the May 2025 Order, the Commission rejected MISO's Initial ERAS Proposal because it was not narrowly-tailored to ensure that only those resources capable of addressing identified near-term resource adequacy or reliability needs would be eligible for expedited study through the ERAS process.[529] We find that capping ERAS interconnection requests at 150% of the identified resource adequacy need is responsive to the May 2025 Order. MISO's proposal caps the ratio of interconnection service requested to needed generation in order to prevent gaming of the ERAS process, where the MW of a potential ERAS request could far exceed the identified MW need for new generation. Without such a cap, the ERAS request could be oversized and even a small MW need could be used for large new generating facilities to bypass the normal queue. MISO's proposal, as it states, is fuel-type agnostic, meaning there are no prohibitions on any specific fuel type from entering the ERAS process and that MISO does not take into account what type of generating facility is associated with an ERAS interconnection request. To the extent that an ERAS project would benefit economically from obtaining interconnection service over and above what is needed to address the RERRA-verified resource adequacy need, that project may seek additional interconnection service through the DPP process.[530] We acknowledge that there are practical limitations on what types of projects can compete for the ERAS process. However, we find that in this instance, where the ERAS process is limited to a small number of projects, and those projects are identified to meet a very specific need, MISO's proposal to ensure that there is a limitation to avoid any gaming concerns is a reasonable protection to put into place. As a result of this limitation, we disagree with protesters that the Local Resource Zone requirement is unduly discriminatory.[531] As noted above, MISO's addition of this requirement helps address the Commission' concern in the May 2025 Order that the ERAS proposal might not be tailored to addressing specific resource adequacy needs. Further, neither LSE nor independent power producer projects will be limited by this zonal requirement if they are included in an integrated resource plan. We find that MISO's Revised ERAS Proposal is therefore just and reasonable and not unduly discriminatory or preferential.

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[529] May 2025 Order, 191 FERC ¶ 61,131 at P 202.

[530] Transmittal at 44; Witmeier Testimony at 68.

[531] *Supra* P 171.

4. ERAS Study Process

a. MISO's Filing

213. MISO proposes to study ERAS interconnection requests quarterly in a regional, serial "first-come, first-served" fashion using the existing engineering study process used in the DPP for ensuring full generator deliverability to load.[532] MISO explains that while both ERAS and DPP studies will use the same MTEP base case (i.e., the most current MTEP base case at the time of the DPP study cycle or the ERAS quarterly study process kickoff), they will include different generator assumptions. Specifically, MISO explains that, while the DPP will continue to include all prior-queued interconnection requests in base case models, the ERAS study will include only generating facilities with an executed GIA in such models.[533]

214. MISO states that the serial study is a key feature of ERAS and that it affords ERAS interconnection requests a better understanding of their impact on the transmission system when looking to address the needs of load. MISO also states that the traditional challenges related to reviewing interconnection requests on a serial basis are not present with ERAS because there will be a smaller number of interconnection requests to process, and they are expected to be geographically and electrically dispersed across the MISO footprint.[534] MISO states that if several ERAS interconnection requests are submitted in one geographical area at the same time, it will study the interconnection requests with the earliest submission time first, and the subsequent interconnection requests will be studied in the next available ERAS quarterly study period. However, MISO states that it does not anticipate this occurring very often due to the 10-interconnection request cap on ERAS interconnection requests per quarterly study period, its large footprint, and the strict eligibility requirements to enter the ERAS process.

215. Additionally, MISO proposes that existing DPP interconnection requests that have not reached Decision Point II in the DPP 2022, 2023, and later cycles will be eligible to transfer to ERAS.[535] MISO states that it is aware of several existing DPP interconnection requests that could apply to participate in ERAS. MISO explains that these DPP interconnection requests may remain in their DPP study group while applying for ERAS, and once admitted to ERAS, the interconnection requests must withdraw from the DPP

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[532] Transmittal at 7-8; Witmeier Testimony at 52.

[533] Transmittal at 39; Witmeier Testimony at 52.

[534] Transmittal at 37-38.

[535] *Id.* at 37.

and will be subject to MISO's automatic withdrawal penalties and harm penalties. MISO asserts that the penalties are necessary because when interconnection requests drop out of the queue, the withdrawal causes harm to other interconnection requests in that study group. MISO explains that if a DPP interconnection request is deemed ineligible for ERAS, then it will forfeit the $100,000 D1 payment required with the ERAS application and will remain in its original DPP queue position.

216. MISO asserts that the Revised ERAS Proposal has been crafted to avoid supplanting the DPP or harming interconnection requests in the DPP interconnection queue.[536] MISO states that it plans to coordinate the ERAS, DPP, and expedited project review studies to maximize efficiency and reduce any impacts among these studies. MISO explains that network upgrades identified in ongoing MTEP studies that mitigate congestion in DPP and ERAS studies will remove the need for DPP and ERAS network upgrades once the MTEP project is approved. MISO contends that ERAS interconnection requests will not harm interconnection requests currently studied in the DPP process by taking existing transmission capacity headroom from active DPP interconnection requests. According to MISO, this is because the ERAS and DPP processes use the same MTEP base case as a starting point, and any headroom used by an ERAS interconnection request is not deducted from the DPP model, as ERAS interconnection requests will not be included in ongoing DPP studies.[537] MISO explains that the output of the DPP and ERAS models will be reconciled in the next MTEP, consistent with how MISO reconciles currently effective parallel processes through the next MTEP base case.[538]

217. MISO further explains that if transmission capacity is overallocated due to approved interconnection requests in both the ERAS and DPP processes, such

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[536] *Id.* at 39.

[537] *Id.* at 42-43; Witmeier Testimony at 52. MISO explains that the DPP process uses the most up-to-date MTEP base case when the DPP study is kicked off and is not subsequently modified to include later-approved MTEP projects or ERAS interconnection requests after that kickoff. Witmeier Testimony at 53. For example, MISO explains that if it approves an ERAS interconnection request that will use the transmission capacity in MTEP 2024, and the DPP 2023 cycle is using MTEP 2023, the ERAS interconnection customer will not take away transmission capacity from any interconnection request in the DPP 2023 cycle. MISO also asserts that ERAS interconnection requests will not have early access to the newly available transmission headroom related to Long Range Transmission Plan Tranche 2.1 projects and will not disadvantage interconnection requests from the DPP 2025 cycle. Transmittal at 43.

[538] Transmittal at 43.

overallocation will be identified and mitigated in the next MTEP cycle.[539] In such a scenario, MISO explains that the transmission capacity overallocation would be discovered as part of the MTEP Deliverability Analysis, which ensures continued deliverability of generating facilities with NRIS.[540] MISO further contends that, even in an overallocation scenario, there will be no negative implications for either a DPP or ERAS interconnection request because both types of interconnection requests will be allowed to proceed, and neither will be required to pay additional costs due to the overallocation. MISO explains that the cost of the MTEP project needed to resolve overallocation will be allocated based on the existing Tariff rules, which will likely allocate the costs of the project to load within the transmission pricing zone where the transmission upgrade is located.[541] MISO explains that this will include the load that is benefiting from the ERAS and DPP interconnection requests, and this load will benefit from the network upgrades that were funded by the interconnection customers that went through those processes. Further, MISO asserts that the cost shift is consistent with existing processes. MISO explains that it has multiple planning processes, many performed in parallel with their own unique modeling assumptions and cost allocation methodologies.[542] MISO states that after projects are approved through their relevant processes, they are included in the base cases of subsequent studies based on the modeling assumptions for those studies. MISO states that it is not uncommon for new constraints to arise in subsequent studies driven by approved transmission and generation projects, as well as new load growth and generation retirement, and that, as new constraints are identified, new mitigation is identified, which could include another new transmission project necessary to ensure reliability.[543]

218. Finally, MISO asserts that the Revised ERAS Proposal meets the standard for an independent entity variation from the requirements of Order Nos. 2003 and 2023 because it fosters the increased development of economic generation by reducing interconnection

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[539] *Id.*; Witmeier Testimony at 54.

[540] Witmeier Testimony at 54.

[541] *Id.* at 54-55.

[542] MISO references, for example, baseline reliability projects, market efficiency projects, multi-value projects, transmission deliverability service projects, interregional transmission projects, other projects, generator interconnection projects, and new generating facilities that are approved through the DPP, generator surplus, or generator replacement processes. *Id.* at 55-56.

[543] *Id.* at 56.

costs and time.[544] MISO asserts that because ERAS is a standalone process, it should be viewed as one large independent entity variation with a defined set of rules, rather than individual independent entity variations for the various differences between the cluster study process outlined in Order Nos. 2023 and 2023-A and the proposed serial-based study approach in ERAS.[545] MISO argues that using serial studies for ERAS accomplishes the purposes of Order Nos. 2003 and 2023 by minimizing the restudy risk that is inherent to multi-phase cluster studies so that ERAS generating facilities can be built quickly, without the risk of cascading restudies.[546] MISO contends that although the use of cluster studies is appropriate for the large queue volume seen in MISO's DPP process, the use of serial studies for ERAS will allow MISO to quickly study ERAS interconnection requests to address resource adequacy and/or reliability concerns and to meet the goals of the temporary ERAS process.

b. Responsive Pleadings

i. Comments in Support

219. Texas Commission argues that the Revised ERAS Proposal will not negatively impact DPP interconnection customers.[547] Texas Commission asserts that allowing interconnection customers in the DPP to transfer their interconnection request to ERAS before Decision Point II protects remaining DPP interconnection requests by preventing unplanned restudies that could result from late-stage transfers. Texas Commission adds that any interconnection requests that transfer from the DPP to ERAS must pay all applicable withdrawal penalties.

ii. Protests

(a) Serial Studies

220. Several protesters raise concerns with MISO's proposal to study ERAS interconnection requests serially. Clean Grid Alliance argues that ERAS represents a high-risk deviation that threatens to create ongoing disruptions to the DPP by destabilizing study models that interconnection customers rely on and causing cost shifts,

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[544] Transmittal at 23-24 (citing Order No. 2003, 104 FERC ¶ 61,103 at PP 11-12).

[545] Witmeier Testimony at 5, 67.

[546] Transmittal at 24.

[547] Texas Commission Comments at 11.

resulting in cascading restudies in ERAS and the DPP.[548] Relatedly, Clean Grid Alliance argues that despite MISO's proposal to adopt a cap of 10 ERAS interconnection requests per quarterly study period, the risk of cascading restudies is still present, as with any serial study approach.[549]

221. Invenergy argues that the Revised ERAS Proposal violates Order No. 2023's requirement that interconnection requests be studied in clusters.[550] Invenergy points to the Commission's language in the May 2025 Order that a serial interconnection study process may contribute to delays if multiple interconnection requests are submitted in the same quarter in the same area of the transmission system.[551] PIOs argue that in Order No. 2023, the Commission established the cluster study process as the cornerstone on which other reforms were oriented, and a separate serial study process would lead to unjust and unreasonable rates by diverting resources and causing delays to the existing DPP process, thereby undermining MISO's ability to identify the most efficient set of shared network upgrades for a DPP study group.[552] PIOs state that a serial study process also fails to realize the benefit of the efficient identification of shared network upgrades, and this will result in the under-identification of network upgrades assigned to ERAS interconnection requests, leading to reliance on the MTEP process to identify smaller, but more expensive, discrete technology solutions.[553] PIOs argue that ERAS is also not limited or transitional because its sunset date exceeds the full shift to cluster studies required by Order No. 2023 and may delay the realization of the benefits from Order No. 2023.[554]

222. PIOs argue that the serial study approach will detract staff resources from the DPP and that the Commission has previously denied requests to operate serial studies parallel to cluster studies.[555] PIOs contend that running serial studies for ERAS for multiple

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[548] Clean Grid Alliance Protest at 5.

[549] *Id.* at 16-17.

[550] Invenergy Protest at 17 (citing Order No. 2023, 184 FERC ¶ 61,054 at PP 177-178; Invenergy Docket No. ER25-1674 Protest at 3-6).

[551] *Id.* (citing Order No. 2023, 184 FERC ¶ 61,054 at P 178).

[552] PIOs Docket No. ER25-1674 Protest at 22-23.

[553] *Id.* at 28.

[554] *Id.* at 25.

[555] PIOs Protest at 20 (citing Order No. 2023, 184 FERC ¶ 61,054 at PP 177-178).

years will delay MISO's processing of the DPP for those years.[556] PIOs further argue that MISO's serial study approach for ERAS will result in many network upgrade needs being identified for the first time in the MTEP process and that MISO's use of MTEP to build upgrades for ERAS interconnection requests does not achieve efficient transmission development.[557]

223. Invenergy argues that MISO has not justified the need for ERAS to span multiple study cycles rather than it occurring over one cycle.[558]

224. PIOs argue that MISO's proposed cap of 68 interconnection requests to be studied through the ERAS process does not address how the ERAS quarterly study period timeline will intersect with the DPP process.[559]

(b) Withdrawals

225. Clean Grid Alliance and Invenergy raise concerns about the effects of withdrawals from ERAS. Invenergy states that Order No. 2023 established withdrawal penalties to encourage interconnection customers to submit viable interconnection requests, discourage late-stage withdrawals, and reduce harm to other interconnections customers from withdrawals. Invenergy argues that ERAS does not accomplish the purposes of Order No. 2023 because the non-refundable D1 application fee and refundable M2 payment do not address the risk of restudies and delays nor the harms to other interconnection customers that would result from late-stage withdrawals from ERAS.[560] Clean Grid Alliance argues that interconnection customers in the DPP need an off-ramp without financial penalties when an ERAS interconnection request emerges and creates a negative financial impact.[561]

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[556] *Id.* at 22.

[557] *Id.* at 18.

[558] Invenergy Protest at 14.

[559] PIOs Protest at 17.

[560] Invenergy Protest at 17-18.

[561] Clean Grid Alliance Protest at 23.

226. Clean Grid Alliance argues that if an ERAS interconnection request withdraws, restudies must occur in both ERAS and the DPP.[562] Clean Grid Alliance adds that such withdrawals would also impact the MTEP models because such models include ERAS interconnection requests after an EGIA is executed and a withdrawal after that point would render the MTEP models inaccurate. Further, Clean Grid Alliance asserts that such models are not designed to address interconnection requests.[563] PIOs add that they strongly oppose the creation of a "two-track" system in which ERAS interconnection requests are not fully studied until the MTEP.[564] Further, Clean Grid Alliance avers that if an ERAS EGIA is terminated, then the MTEP models that the DPP utilizes would no longer be accurate.[565]

227. Clean Grid Alliance argues that despite MISO's claims that withdrawals in ERAS will have little impact on DPP interconnection customers, any withdrawal will require restudies and administrative tasks. Clean Grid Alliance also notes that ERAS should consider the impacts to an ERAS interconnection request if the load it is intended to serve does not materialize.[566]

228. Invenergy asserts that MISO has not clarified how the withdrawal of an ERAS interconnection request from the ERAS queue may impact the DPP cluster study and DPP interconnection customers.[567] Invenergy argues that it is not just and reasonable to assign network upgrade costs to interconnection customers that are not the "but for"[568]

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[562] *Id.* at 18. Clean Grid Alliance asserts that MISO's DPP 2023 models may include ERAS projects and that later DPP cycles would certainly include ERAS projects. *Id.*

[563] *Id.* at 17.

[564] PIOs Protest at 17-18.

[565] Clean Grid Alliance Protest at 18.

[566] *Id.* at 20.

[567] Invenergy Protest at 22.

[568] For generator interconnection-related network upgrades identified through the generator interconnection process, the Commission has accepted proposals by RTOs/ISOs to allocate the cost of such network upgrades solely to individual, or clusters of, interconnection customers. Through the generator interconnection process, the transmission provider studies individual or clusters of interconnection requests and identifies specific network upgrades needed to accommodate each interconnection request on an incremental basis (i.e., by determining whether a network upgrade is

cause of those costs, or that do not reflect their contribution to a needed network upgrade. Invenergy asserts that MISO should clarify its approach to ensure interconnection customers are paying for costs that they actually necessitate.

(c) Harm to Interconnection Customers

229. Several protesters argue that the Revised ERAS Proposal will harm DPP interconnection customers because it is a multi-year proposal.[569] They further argue that the Revised ERAS Proposal will delay the DPP because the serial studies in the ERAS process could detract from transmission providers' efforts to efficiently process cluster studies in the DPP and would not ensure reliable, efficient interconnection.[570] Several protesters assert that, unlike MISO's Revised ERAS Proposal, PJM's RRI and CAISO's IPE proposals were one-time, emergency proposals that were narrowly tailored to minimize harm and disruption to other interconnection customers.[571] Clean Grid Alliance further argues that MISO's proposed cap and carve outs are dissimilar from PJM's RRI because projects in PJM's RRI are processed under the same study cycle under PJM's standard interconnection queue, whereas MISO proposes to process ERAS interconnection requests in a separate queue.[572]

230. Several protesters argue that the Revised ERAS Proposal poses significant harm to DPP interconnection customers by diverting needed resources to conduct interconnection studies, such as limited staffing, and contend that implementing ERAS in parallel to the DPP will exacerbate these challenges, delay DPP processing, and increase network upgrade costs.[573] Invenergy asserts that MISO has failed to explain how the establishment

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needed "but for" the interconnection of a generating facility). *See Sw. Power Pool, Inc.*, 122 FERC ¶ 61,060 (2008); *Sw. Power Pool, Inc.*, 171 FERC ¶ 61,272 (2020).

[569] Clean Grid Alliance Protest at 17, 51-53; Invenergy Protest at 20-21; NextEra Docket No. ER25-1674 Protest at 26-27.

[570] Clean Grid Alliance Protest at 16-19; Invenergy Protest at 20; NextEra Docket No. ER25-1674 Protest at 31 (citing Order No. 2023, 184 FERC ¶ 61,054 at PP 177-178, 1347).

[571] MISO IPPs Docket No. ER25-1674 Protest at 7-8 (citing Kelliher Aff. at 5-6); NextEra Docket No. ER25-1674 Protest at 26-27; PIOs Docket No. ER25-1674 Protest at 42-43.

[572] Clean Grid Alliance Protest at 26, 67.

[573] Clean Energy Associations Docket No. ER25-1674 Protest at 31; Clean Grid Alliance Protest, attach. A (Declaration of Jennifer Ayers-Brasher) at 6 (Ayers-Brasher

of a second interconnection queue will not increase the interconnection delays already common in the existing queue.[574] Invenergy states that it applauds MISO for its commitment to hire additional staff to assist with the backlogged queue; however, this could be implemented independent of the ERAS proposal to address existing queue delays. Clean Grid Alliance further argues that MISO has not demonstrated how staffing challenges that have impacted DPP processing are not also present in facilitating ERAS.[575]

231. Clean Energy Associations assert that MISO's promise to prevent resources and staff time devoted to ERAS from being utilized to speed the DPP process is unfair to developers that have been waiting their turn to get through a backlogged queue.[576] Clean Energy Associations argue that, in spite of changes to the MISO proposal, such as the cap on ERAS participation and locational restrictions, ERAS still exists as a parallel process. Additionally, Clean Energy Associations argue that the task of studying ERAS interconnection requests while also studying DPP interconnection requests will further stretch MISO's already strained resources, risking delay to both the ERAS queue and the DPP queue.[577]

232. Clean Grid Alliance contends that a better approach to address large load additions is to allow large loads and interconnection customers to move through the existing processes in a coordinated fashion to create a net-zero impact on resource adequacy.[578]

233. Several protesters argue that the Revised ERAS Proposal allows for queue jumping.[579] PIOs argue that ERAS interconnection requests are effectively jumping the DPP queue, and much of the costs for ERAS interconnection customers to connect to the

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Testimony); MISO IPPs Docket No. ER25-1674 Protest at 23-24; NextEra Docket No. ER25-1674 Protest 31-32; PIOs Docket No. ER25-1674 Protest at 15-16, 22, 26.

[574] Invenergy Protest at 20.

[575] Clean Grid Alliance Protest at 28.

[576] Clean Energy Associations Protest at 23.

[577] *Id.* (MISO, Transmittal Letter, Docket No. ER25-507-000, at 3 (Nov. 21, 2024); Witmeier Testimony at 13).

[578] Clean Grid Alliance Protest at 19.

[579] Clean Energy Associations Protest at 10; MISO IPPs Docket No. ER25-1674 Protest at 24; NextEra Docket No. ER25-1674 Protest at 3, 8, 10, 36, 41; PIOs Protest at 15, 20; PIOs Docket No. ER25-1674 Protest at 1-3, 8-9.

transmission system will be borne by DPP interconnection customers or unaffiliated load.[580] PIOs further argue that MISO's lack of a post hoc analysis to true up costs may result in ERAS interconnection customers paying less than their fair share.[581] PIOs assert that the advantages for projects that make it into ERAS, in addition to the lack of oversight from MISO, will create an incentive for RERRAs to approve as many in-state projects as possible.[582]

234. Clean Energy Associations assert that the Revised ERAS Proposal still allows for queue jumping from MISO's DPP to ERAS and interconnection requests, especially thermal resources proposed by LSEs, to offer additional capacity as surplus to be provided to an affiliate, effectively bypassing the DPP queue a second time.[583]

235. Additionally, Invenergy states that it has concerns that ERAS interconnection requests will have priority over DPP interconnection requests in the existing queue because ERAS interconnection requests will be studied first and can incorporate up-to-date information about available transmission capacity.[584] Invenergy also states that it has concerns about the unintended consequences of using two different base cases for ERAS and DPP interconnection requests that are being studied simultaneously.[585]

(d) <u>Transmission Overallocation</u>

236. Several protesters assert that MISO's Revised ERAS Proposal will allow ERAS interconnection customers to receive earlier access to transmission capacity. Protesters contend that ERAS interconnection requests will be studied faster than DPP interconnection requests, which will necessarily take up transmission capacity from the DPP, leading to increased costs for later queued DPP interconnection requests as ERAS interconnection requests queue jump the DPP.[586] MISO IPPs and NextEra assert that

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[580] PIOs Protest at 15, 20.

[581] *Id.* at 15-16.

[582] *Id.* at 24-25.

[583] Clean Energy Associations Protest at 10.

[584] Invenergy Protest at 20-21.

[585] *Id*. at 21.

[586] Clean Grid Alliance Protest at 43-46; MISO IPPs Docket No. ER25-1674 Protest at 23-24; NextEra Docket No. ER25-1674 Protest at 42-43; 2025 Brattle Group Report at 26-27; PIOs Docket No. ER25-1674 Protest at 8-9,15-16.

once MISO incorporates ERAS interconnection requests with EGIAs into the MTEP model, which MISO has represented will occur for the DPP 2026 cycle, it will reduce the amount of transmission capacity available to DPP interconnection requests and subject those interconnection customers to higher network upgrade costs, potentially threatening the viability of their projects.[587] PIOs, NextEra, and Clean Grid Alliance similarly assert that the ERAS interconnection customers may pay less to interconnect through the ERAS process than if they had been studied as part of the DPP study group because ERAS interconnection requests: (1) will be double-counting the same headroom used by parallel DPP study groups; (2) will be advantaged in their use of existing headroom by excluding prior-queued interconnection requests from their interconnection study; and (3) will be arbitrarily less likely to trigger violations than DPP study groups because they will be evaluated serially and therefore gain disproportionately from existing headroom on the transmission system.[588]

237. MISO IPPs and NextEra further argue that faster study of ERAS interconnection requests may create contingent facilities that DPP interconnection requests are reliant upon, which may be delayed and subsequently harm reliant DPP interconnection requests.[589] Furthermore, Clean Grid Alliance argues that MISO's proposal to study ERAS interconnection requests and existing DPP study groups in parallel could ultimately lead to interconnection customers being subject to limited operations while MISO resolves capacity overallocation through the MTEP process.[590]

238. Several protesters raise concerns regarding reliability issues arising from interactions between ERAS projects and other interconnection customers, as the study model will exclude higher-queued interconnection customers without an interconnection agreement.[591] Clean Grid Alliance further argues that using the MTEP process to later address reliability concerns resulting from transmission capacity overallocation will not effectively address reliability concerns due to the limitations of NRIS and Energy

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[587] MISO IPPs Docket No. ER25-1674 Protest at 24; NextEra Docket No. ER25-1674 Protest at 42-43.

[588] Clean Grid Alliance Protest at 43-46; 2025 Brattle Group Report at 26-27; PIOs Docket No. ER25-1674 Protest at 16.

[589] MISO IPPs Docket No. ER25-1674 Protest at 24-25; NextEra Docket No. ER25-1674 Protest at 43.

[590] Clean Grid Alliance Protest, Ayers-Brasher Testimony at 9.

[591] Clean Grid Alliance Protest at 20 (citing Clean Energy Associations Docket No. ER25-1674 Protest, Aff. of Warren Hess at ¶ 2, (filed Apr. 7, 2025)); NextEra Docket No. ER25-1674 Protest at 44.

Resource Interconnection Service studies.[592] Clean Grid Alliance argues that MISO's proposal to address transmission capacity overallocation through the next MTEP is unreasonable because there is no guarantee that the MTEP will produce the needed transmission, and it would shift ERAS-related costs to MTEP.[593]

239. Clean Energy Associations assert that, as with the Initial ERAS Proposal, the Revised ERAS Proposal fails to include late-stage DPP generating facilities in ERAS studies and will result in reduced network upgrades due to lower line loadings.[594] Clean Energy Associations aver that this will result in reliability gaps because MISO will not model all known near-term system changes that will occur when the ERAS generating facility reaches commercial operation. Clean Energy Associations assert that ERAS already departs from MISO's standard practice and that ERAS interconnection requests will be studied only with interconnection requests that have already achieved a GIA (i.e., interconnection requests from prior DPP cycles or completed ERAS cycles), while DPP interconnection requests will share headroom with all other interconnection requests in the DPP cycle.[595] Clean Energy Associations thus contend that ERAS will effectively push current reliability gaps onto future interconnection requests that are not in ERAS.[596]

240. Clean Energy Associations argue that the use of the annual MTEP reliability study process to resolve over-allocation of transmission headroom across ERAS and the DPP will not effectively address reliability concerns, as the annual MTEP reliability study process sets local balancing area constraints to limit power flows between local balancing areas, masking constraints that would otherwise show up in the DPP process.[597] Clean Energy Associations assert that, if MTEP does not capture the constraints caused by overallocated headroom due to not including all the expected projects coming online at the same time, the resulting unaddressed constraints will fall to subsequent DPP cycles.

241. Furthermore, Clean Energy Associations argue that, even with a numerical cap on the total number of interconnection requests and the number of interconnection requests per zone, ERAS interconnection requests could still trigger significant reliability impacts

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[592] Clean Grid Alliance Protest at 20 (citing Clean Energy Associations Protest, Docket No. ER25-1674, Aff. at P 2).

[593] *Id.* at 22.

[594] Clean Energy Associations Protest at 12, 21.

[595] *Id.* at 12-13.

[596] *Id.* at 13.

[597] *Id.* at 22.

that require substantial network upgrades, if they are large and located in areas where they have a high impact on a highly congested part of the transmission system.[598] Clean Energy Associations assert that the cap on the number of interconnection requests and interconnection requests per zone quarterly does not negate the potential for overlapping allocation of headroom that is insufficiently reconciled via MTEP.

242. Relatedly, NextEra argues that the MTEP process may not be able to resolve issues caused by ERAS because: (1) timing issues between ERAS and MTEP processes may limit the efficacy of the MTEP to prevent costs of network upgrades needed to resolve issues missed in the ERAS process from being passed on to interconnection customers in the DPP; (2) the MTEP and DPP processes use different underlying assumptions, including dispatch assumptions; and (3) MISO assesses deliverability differently in the MTEP and DPP processes.[599]

243. Furthermore, several protesters raise concerns regarding cost allocation for network upgrades that are identified in the MTEP process. MISO IPPs argue that the ERAS study process will not identify the need for required upgrades, possibly leaving customers that entered DPP prior to the ERAS interconnection requests left to foot the bill.[600] Furthermore, MISO IPPs assert that allocating costs for network upgrades triggered by ERAS interconnection requests through MTEP could run afoul of the Commission's cost allocation requirements and be inconsistent with cost causation requirements.[601]

244. Some protesters assert that the Revised ERAS Proposal will violate cost causation principles by allocating costs of such upgrades to load.[602] NextEra states that MISO claims that costs will be allocated to load in the same transmission pricing zone where a network upgrade is located and expects that "this load will include the load that is

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[598] *Id.* at 24.

[599] NextEra Docket No. ER25-1674 Protest at 45 (citing Cody Doll Aff. at 7-9).

[600] Clean Energy Associations Docket No. ER25-1674 Protest at 28-29; MISO IPPs Docket No. ER25-1674 Protest at 23; NextEra Docket No. ER25-1674 Protest at 45-48; PIOs Docket No. ER25-1674 Protest at 19-21.

[601] MISO IPPs ERAS 1.0 Protest at 47.

[602] Clean Energy Associations Docket No. ER25-1674 Protest at 28-29; NextEra Docket No. ER25-1674 Protest at 46-48.

benefiting from the ERAS and DPP interconnection requests;[603] however, NextEra argues that interconnection requests frequently trigger the need for network upgrades in neighboring transmission zones, meaning that transmission customers and ratepayers in one transmission pricing zone may be required to subsidize the costs of serving other transmission customers and ratepayers.[604] NextEra argues that this subsidization may be exacerbated because the claimed need leading to issuance of a RERRA verification for an ERAS interconnection request may be limited to a locality or municipality, but that ERAS interconnection request may eventually create a need for significant upgrades through the MTEP process, requiring a transmission pricing zone to subsidize the cost of upgrades to meet a locality's need.[605] PIOs contend that while there are circumstances in which it is appropriate for load to pay the costs of new transmission rather than generation, that is not the case for the proposed cost shifts driven by ERAS.[606] PIOs argue that the proposed shift in costs driven by ERAS projects to load would be haphazard and would not necessarily ensure that the portion of load that shoulders any such costs is also the portion of load that benefits from the ERAS and DPP generating facilities whose full impact was not captured in their parallel studies.[607] Thus, PIOs argue that the ERAS proposal moves transmission planning in the opposite direction from the Commission's policies established in Order Nos. 1000[608] and 1920.[609]

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[603] NextEra Docket No. ER25-1674 Protest at 47 (citing Witmeier Docket No. ER25-1674 Rebuttal Testimony at 38:5-9).

[604] *Id*. at 47-48.

[605] *Id.* at 48.

[606] PIOs Docket No. ER25-1674 Protest at 21.

[607] *Id.* (citing PIOs Docket No. ER25-1674 Protest, attach. A (Testimony of Houtan Moaveni) at 14-16).

[608] *Id.*; *Transmission Plan. & Cost Allocation by Transmission Owning & Operating Pub. Utils.*, Order No. 1000, 136 FERC ¶ 61,051 (2011), *order on reh'g*, Order No. 1000-A, 139 FERC ¶ 61,132, *order on reh'g & clarification*, Order No. 1000-B, 141 FERC ¶ 61,044 (2012), *aff'd sub nom. S.C. Pub. Serv. Auth. v. FERC*, 762 F.3d 41 (D.C. Cir. 2014).

[609] PIOs Docket No. ER25-1674 Protest at 21; *Bldg. for the Future Through Elec. Reg'l Transmission Plan. & Cost Allocation*, Order No. 1920, 187 FERC ¶ 61,068, *order on reh'g & clarification*, Order No. 1920-A, 189 FERC ¶ 61,126 (2024), Order No. 1920-B, 191 FERC ¶ 61,026 (2025), *appeal docketed sub nom. Appalachian Voices v. FERC*, No. 24-1650 (4th Cir. pet. consolidated Aug. 8, 2024).

245. Clean Grid Alliance argues that MISO's proposal to allow "backfilling" of a quarterly study period is unjust and unreasonable.[610]

iii. Answers

(a) MISO Answer

246. MISO asserts that the Revised ERAS Proposal will not take resources away from DPP processing because it will use the ERAS application fee and study deposit to cover costs related to processing ERAS interconnection requests, including improving study tools and hiring additional staff.[611] MISO further asserts that it has carefully crafted the Revised ERAS Proposal to avoid supplanting the DPP or harming DPP interconnection customers.[612]

247. MISO contends that, as the Commission noted in the PJM RRI Order, arguments that separate study processes like ERAS will harm existing interconnection customers are speculative. MISO asserts that it is not proposing to delay the DPP queue processing schedule as a result of the ERAS proposal, that no DPP milestones have been altered, and that no interconnection customer will lose its queue position.[613] MISO also argues that it has taken steps to ensure that current DPP interconnection requests are protected from losing available transmission capacity.[614] MISO states that it will build the ERAS model based on the existing MTEP model, which will not remove any available transmission system headroom from DPP interconnection requests.[615] MISO explains that ERAS will only incorporate approved generating facilities, while the DPP will incorporate all higher and equally-queued interconnection requests, which includes speculative projects.[616] MISO explains that it will follow its existing processes to determine if already planned projects can alleviate constraints. MISO also argues that by not updating the base case for each DPP cycle once the study process starts, except for changes due to withdrawals

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[610] Clean Grid Alliance Protest at 28.

[611] MISO Docket No. ER25-1674 Answer at 47.

[612] MISO Answer at 29.

[613] MISO Docket No. ER25-1674 Answer at 17 (citing PJM RRI Order, 190 FERC ¶ 61,084 at P 245).

[614] MISO Answer at 29-30; MISO Docket No. ER25-1674 Answer at 39.

[615] MISO Docket No. ER25-1674 Answer at 39-40.

[616] MISO Answer at 2.

or generator retirements, transmission capacity available for DPP interconnection requests is not being taken away by ERAS interconnection requests approved outside the DPP cycle.[617] MISO also argues that using the latest, approved MTEP base case to reconcile the models insulates existing DPP interconnection requests from costs shifts due to the ERAS process. MISO argues that there is no evidentiary support to protesters' arguments that ERAS interconnection requests will result in higher network upgrade costs for DPP interconnection requests and that ERAS requires interconnection customers to pay all network upgrade costs associated with their proposed interconnection requests.[618] MISO further states that network upgrades approved through the ERAS process can be used to mitigate constraints in the DPP process, which will have a positive impact on the DPP.

248. Regarding concerns about whether the ERAS proposal will protect DPP interconnection customers from ERAS interconnection customer withdrawals prior to EGIA execution, MISO asserts that DPP interconnection requests are adequately protected from ERAS withdrawals because an ERAS interconnection request that does not reach EGIA execution will never be modeled in DPP cycles and therefore cannot impact the DPP.[619] Further, MISO asserts that the proposed ERAS study process will ensure that a withdrawal will not cause restudies in the ERAS process, as ERAS interconnection requests will be studied serially, or in the DPP process, as the parallel ERAS and DPP studies are done in tandem. MISO clarifies that a DPP interconnection request that moves to ERAS will be liable for any harm caused to other DPP interconnection requests in the study group and will be subject to automatic withdrawal penalties.

249. In response to concerns about ERAS not being a one-time process, MISO states that it does not want to limit participation to a one-time opportunity if some interconnection customers or RERRAs take more time to identify projects that could participate in ERAS.[620] MISO contends that it would need to do a cluster study for a one-time process, which would prevent interconnection customers from more timely knowing their full network upgrade costs, as those costs would be contingent on the decisions made by all the other ERAS interconnection requests in the cluster.

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[617] *Id.* at 29-30; MISO Docket No. ER25-1674 Answer at 40 (citing Witmeier Docket No. ER25-1674 Rebuttal Testimony at 35).

[618] MISO Docket No. ER25-1674 Answer at 40.

[619] MISO Docket No. ER25-1674 Supplemental Answer at 5.

[620] MISO Docket No. ER25-1674 Answer at 35-36.

250. MISO also argues that the ERAS proposal will not result in queue jumping because the ERAS process is open to all interconnection customers that meet the eligibility criteria, and any interconnection request selected to participate is not similarly situated to other interconnection requests because that request has a greater ability to meet near-term resource adequacy needs.[621] MISO contends that, similar to the Commission's findings when accepting PJM's RRI proposal, no DPP interconnection requests will be displaced by ERAS, no DPP milestones have been altered, and no DPP interconnection customer will lose its queue position as a result of ERAS.[622]

251. MISO states that, because the Revised ERAS Proposal establishes a cap on the number of interconnection request that will be studied under ERAS and will occur over a limited timeframe, the DPP is further protected.[623] MISO asserts that addressing the ongoing delays in the DPP to reach a study processing time of one year remains a priority for MISO, and ERAS is a separate process needed to address near-term reliability and resource adequacy needs.

(b) <u>Additional Answers</u>

252. Clean Grid Alliance argues that MISO's contention that its staffing resources will not be diverted from processing the DPP queue to support the ERAS process is unsupported.[624] Clean Grid Alliance also disagrees with MISO's arguments that the ERAS proposal would not enable queue jumping and states that the Commission has previously rejected such queue jumping proposals.[625]

253. Clean Grid Alliance argues that MISO has not addressed protesters' arguments that ERAS will harm DPP interconnection customers through disrupting modeling, causing cascading restudies, and shifting costs.[626] In addition, Clean Grid Alliance disagrees with MISO's arguments that the ERAS process will not take headroom from

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[621] *Id.* at 34.

[622] *Id.* (citing PJM RRI Order, 190 FERC ¶ 61,084 at P 245).

[623] MISO Answer at 30.

[624] Clean Grid Alliance Docket No. ER25-1674 Answer at 24-25.

[625] *Id.* at 16 (citing MISO Docket No. ER25-1674 Answer at 34; *Sw. Power Pool, Inc*., 147 FERC ¶ 61,201 at P 124).

[626] Clean Grid Alliance First Answer at 8-9.

DPP interconnection requests.[627] Clean Grid Alliance argues that MISO has not explained how the implementation of ERAS will not result in the same transmission capacity being allocated twice in concurrent DPP (i.e., DPP 2023 cycle) and ERAS studies, and then not result in interconnection requests in the next DPP cycle (i.e., DPP 2025 cycle) having to address any overallocations as pre-existing conditions. Clean Grid Alliance argues that if ERAS interconnection customers are interconnecting to, or depend on, the same transmission lines as DPP interconnection customers, then, given ERAS interconnection customers' priority to that transmission headroom, the DPP interconnection customers will be harmed.[628] Clean Grid Alliance argues that such a scenario is likely because MISO will not model DPP interconnection requests, even late-stage DPP Phase III interconnection requests, in ERAS interconnection studies.[629] In addition, Clean Grid Alliance claims that the ERAS process may harm DPP interconnection requests because serial restudies will absorb MISO staff time, given that restudies are necessary when an interconnection request withdraws, regardless of network upgrades remaining, due to the potential for counterflows.[630] In addition, Clean Grid Alliance raises concerns that MISO's proposal does not require ERAS interconnection customers to provide 100% of network upgrade costs as an initial payment, arguing that MISO may have to initiate legal action to collect funds from an ERAS interconnection customer with an EGIA that withdraws absent such protection.[631]

254. Clean Energy Associations argue that MISO fails to refute arguments that the ERAS study process will harm DPP interconnection customers stemming from: (1) uncertainty regarding the dispatch model that would be used for ERAS studies; (2) MISO's proposal to not include late-stage DPP interconnection requests in ERAS studies; and (3) use of the annual MTEP process to resolve over-allocation of transmission headroom across ERAS and DPP processes.[632] Clean Energy Associations argue that MISO's proposal will systematically advantage ERAS interconnection

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[627] *Id.* at 17.

[628] Clean Grid Alliance Docket No. ER25-1674 Answer at 18.

[629] Clean Grid Alliance First Answer at 8 (citing Clean Grid Alliance Protest at 21); Clean Grid Alliance Docket No. ER25-1674 Answer at 18. Clean Grid Alliance argues that MISO's submissions in prior filings before the Commission have noted that interconnection requests in DPP Phase III have a 90% success rate. *Id.*

[630] Clean Grid Alliance Docket No. ER25-1674 Answer at 19.

[631] *Id.* at 26.

[632] Clean Grid Alliance First Answer at 8 (citing Clean Grid Alliance Protest at 21); Clean Grid Alliance Docket No. ER25-1674 Answer at 10.

requests and lead to unresolved constraints, which will fall to subsequent DPP interconnection requests to address if the MTEP does not capture them. Clean Grid Alliance further asserts that LSEs have not committed to paying the cost for additional transmission capacity that MISO proposes to shift to MTEP.[633]

255. Clean Grid Alliance argues that MISO's admission, that ERAS interconnection requests "could be included in the ERAS process but ultimately not be approved in the state regulatory process and thus may not be completed at that point in time," conflicts with MISO's assertions that restudies in the ERAS process will not be an issue.[634]

256. MISO IPPs state that MISO did not respond to MISO IPPs' arguments that different study assumptions for ERAS and DPP interconnection requests will cause MISO to underestimate network upgrades for ERAS interconnection requests and shift the costs of those network upgrades to other entities.[635]

257. Clean Grid Alliance argues that MISO fails to address the Revised ERAS Proposal's harm to the DPP by allowing queue jumping and introducing reliability gaps caused by transmission capacity overallocation. Clean Grid Alliance avers that the Revised ERAS Proposal will only mitigate reliability impacts within the local balancing area where an ERAS interconnection request is located, while the DPP mitigates reliability impacts across the entire MISO footprint. Clean Grid Alliance contends that the Revised ERAS Proposal's approach is discriminatory. Clean Grid Alliance asserts that these harms are unnecessary because MISO already has the provisional GIA process through which interconnection customers can pursue an expedited interconnection and GIA.[636]

258. PIOs argue that MISO's answer does not address PIOs' concern that ERAS interconnection requests will receive more favorable study assumptions, which will likely enable ERAS interconnection requests to pay less for interconnection service than similarly situated DPP interconnection requests. PIOs contend that MISO's reliance on the fact that ERAS will incorporate only approved generating facilities, while the DPP includes all prior queued interconnection requests, is a key characteristic that is creating

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[633] Clean Grid Alliance First Answer at 9 (citing Clean Grid Alliance Protest at 22).

[634] Clean Grid Alliance Docket No. ER25-1674 Answer at 13-14 (citing MISO Docket No. ER25-1674 Answer at 16).

[635] MISO IPPs Answer at 13.

[636] Clean Grid Alliance Second Answer at 3.

the undue preference for ERAS interconnection requests.[637] PIOs aver that a process that subjects interconnection requests to two different baseline study assumptions will not eliminate inherent risks present when multiple interconnection requests rely on the same transmission infrastructure.[638]

c. Commission Determination

259. We find that MISO's proposal to evaluate ERAS interconnection requests in a separate, serial study process is just and reasonable and not unduly discriminatory or preferential and accomplishes the purposes of Order Nos. 2003 and 2023. Further, we find that MISO's Revised ERAS Proposal will not harm DPP interconnection customers and that the cap on the number of ERAS interconnection requests that may be studied provides a further guardrail to ensure ERAS is a limited process.

260. MISO seeks variations from the *pro forma* LGIP and *pro forma* LGIA under the independent entity variation standard, which provides that the proposed variations must be just, reasonable, not unduly discriminatory or preferential, and accomplish the purposes of Order Nos. 2003 and 2023.[639] MISO proposes to study ERAS interconnection requests using its existing NRIS modeling standards and the most recent MTEP base case that includes all generating facilities with executed GIAs. While protesters argue that limiting ERAS to 10 serial studies per quarterly study period does not alleviate the concern that the proposed serial study process is inconsistent with the requirements of Order No. 2023, we find that MISO's proposed approach is just and reasonable and accomplishes the purposes of Order Nos. 2003 and 2023. MISO's proposal to use a serial study process here does not present concerns related to queue withdrawals and restudies traditionally raised by serial cluster processes[640] because, as discussed above, interconnection projects in the ERAS process are less likely to be speculative and withdraw due to the enhanced commercial readiness requirements. MISO represents that there will not be any DPP or ERAS restudies associated with any ERAS projects that do withdraw.[641] Further, withdrawing ERAS interconnection customers are also responsible for any network upgrade costs assigned to them in an EGIA, which would mitigate risks regarding any potential cost impacts to lower-queued

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[637] PIOs Answer at 8-9.

[638] *Id.* at 9.

[639] *See* Transmittal at 23.

[640] Order No. 2023, 184 FERC ¶ 61,054 at P 47.

[641] MISO Docket No. ER25-1674 Supplemental Answer at 5.

interconnection customers.[642] Moreover, MISO's proposal to study ERAS interconnection requests using its existing NRIS modeling standards and the most recent MTEP base case while including all generating facilities with executed GIAs is just and reasonable because it will allow MISO to expedite the ERAS studies through a serial process that excludes DPP interconnection requests that are more likely to withdraw, e.g., those DPP interconnection requests that have not executed GIAs, because including such resources would create uncertainty in the ERAS study process.

261. We find protesters' claims that the implementation of ERAS will delay MISO's processing of the DPP to be speculative. As MISO explains, it will use the ERAS non-refundable application fee to support the necessary staffing and resources to allow MISO to process both the DPP and ERAS studies without negative impacts to the DPP queue.[643] We also note MISO's stated commitment to ensure proper staffing and resource allocation to avoid any delays to DPP study processing.[644]

262. Further, protesters argue that interconnection customers in future DPP cycles may be subject to higher network upgrade costs or curtailments under a potential scenario where the MTEP process does not identify network upgrades sufficient to resolve issues created by parallel DPP and ERAS studies. We find protesters' argument that MTEP might not address needed reliability upgrades to be speculative, and so we disagree with protesters that the potential for such an outcome renders MISO's proposal unjust and unreasonable. The Commission has previously found that interconnection customers have no legal rights to a given system topology or to whether upgrades may be required.[645] Further, given the way MISO's interconnection queue has been designed to encourage orderly withdrawals, lower-queued interconnection customers are frequently faced with changing network upgrade costs. Moreover, MISO explains that its proposed ERAS study will identify network upgrades and other facilities necessary for the interconnection of ERAS interconnection customers, and we therefore disagree that ERAS projects will

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[642] MISO, Proposed Tariff, attach. X (GIP) (171.0.0), § 3.9.6.3.

[643] MISO Answer at 141; MISO Docket No. ER25-1674 Answer at 47.

[644] MISO Docket No. ER25-1674 Answer at 47. Specifically, MISO states that the non-refundable $100,000 D1 application fee will allow MISO "to hire additional staff, as needed, to ensure that adoption of the ERAS process does not create harmful effects to the DPP interconnection process" and that it "is committed to making other resource or staffing changes to ensure that this remains true throughout the ERAS process." *Id.*

[645] PJM RRI Order, 190 FERC ¶ 61,084 at P 192.

either be inappropriately assigned network upgrade costs or not assigned network upgrade costs at all.

263. We do not find persuasive protesters' arguments that interconnection customers currently in the DPP queue will be harmed as a result of ERAS and will be subject to higher network upgrade costs due to the ERAS proposal. As MISO explains, DPP studies use the most recent MTEP model at the time that MISO commences the DPP study cycle as the base case, and that model will not be updated to include ERAS interconnection requests. Furthermore, as Texas Commission explains, the Revised ERAS Proposal protects interconnection customers currently in the DPP queue by preventing late-stage transfers, which could lead to unplanned restudies, and by requiring interconnection requests that transfer to ERAS to pay withdrawal penalties.[646] Therefore, interconnection customers currently in the DPP process will not see higher assigned network upgrade costs because their interconnection requests will continue to be studied without accounting for ERAS interconnection requests. In addition, we note that interconnection customers that submit interconnection requests into future DPP cycles will have notice of the existence of the ERAS process prior to submitting their interconnection requests and could factor the ERAS process into their commercial decisions. Furthermore, we note that DPP interconnection requests that have not reached Decision Point II in the 2022, 2023, and later cycles are eligible to transfer to the ERAS process, if they meet the eligibility requirements.[647]

264. In response to protesters' arguments that MISO's proposal will result in cost allocation inconsistent with cost causation, and that there is the potential for needed network upgrades to be identified in the MTEP process because ERAS interconnection requests may not be assigned their full "but for" costs, we find MISO's proposal to address through its existing processes any deliverability issues identified as a result of differences between the models used in the ERAS and DPP studies to be just and reasonable. As MISO explains, its current Tariff allocates to load the costs of network upgrades identified through its MTEP process, as needed, to maintain resource deliverability. Therefore, MISO's proposal is consistent with its existing, Commission-approved process for addressing deliverability issues identified outside of its process for studying interconnection requests.[648]

265. Protesters contend that the ERAS process is not a "one time" process because it includes multiple, quarterly study periods over several years. We do not find this concern

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[646] Texas Commission Comments at 11.

[647] Transmittal at 22.

[648] MISO Answer at Tab B, MISO Transmittal, Docket No. ER25-1674, at 30 (filed Apr. 21, 2025); Witmeier Docket No. ER25-1674 Rebuttal Testimony at 38-39.

persuasive. The Revised ERAS Proposal is timebound and will sunset at the earlier of August 31, 2027 or when MISO has studied 68 ERAS interconnection requests. We disagree with the arguments that the Revised ERAS Proposal must be a one-time cluster study, such as PJM's RRI proposal, to be just and reasonable. The Commission's acceptance of PJM's RRI does not preclude the Commission from accepting a different RTO or ISO proposal, such as MISO's proposal, which is not only tailored to address the specific needs of the MISO region but also considers the distinct characteristics of the MISO region.[649]

5. Affected Systems

a. MISO's Filing

266. MISO explains that, regarding affected system studies, neighboring transmission providers will have the right to evaluate the impact of ERAS interconnection requests on their transmission systems, just as with DPP interconnection requests.[650] MISO further explains that any ERAS interconnection request that meets the Joint Targeted Interconnection Queue (JTIQ) criteria will be subject to JTIQ study procedures.[651] MISO notes that the Revised ERAS Proposal was designed with the expectation that MISO would use existing affected system study processes and that it is actively working with multiple seams partners to develop additional seams procedures to incorporate the ERAS process.[652]

267. MISO proposes that ERAS interconnection requests will adhere to the same affected system screening criteria as applicable to DPP interconnection requests, with the following exceptions:

a. The transmission provider will submit all necessary information for an affected system to study an ERAS interconnection request no later than 10 calendar days prior to the applicable ERAS study kickoff;

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[649] *See* Order No. 2003, 104 FERC ¶ 61,103 at P 826 (stating that RTOs/ISOs "shall have greater flexibility to customize [their] interconnection procedures and agreement to fit regional needs").

[650] Transmittal at 38.

[651] *Id.* at 38, 48, 51, 55, 59-60; MISO, Proposed Tariff, attach. X (GIP) (175.0.0), §§ 1, 3.9.5, 7.3.1.4, 7.3.2.3.1.

[652] Witmeier Testimony at 64.

b. The transmission provider will provide any affected system analysis received from the affected system to the ERAS interconnection customer promptly upon receipt;

c. If affected system study results and cost information are not available at the time an EGIA is tendered, then such EGIA will include an obligation to execute any agreements for the study, construction, or funding of network upgrades identified by the affected system within 15 calendar days after such an agreement is tendered to the interconnection customer;

d. The transmission provider will submit ERAS interconnection request information to the affected system operator individually and request that the affected system operator study the ERAS interconnection request serially; and

e. When MISO and the affected system operator use a specified point in the DPP, such as a decision point or a DPP phase kickoff date, to establish the queue priority date of a MISO interconnection request, MISO will assert a queue priority date for ERAS interconnection requests as of the date that MISO commences the ERAS system impact study unless the controlling agreement between MISO and the affected system operator provides for an alternative queue priority date. Additionally, for interconnection requests with an earlier queue priority date, "in accordance with this section 9.4.3 (a) will have a higher relative queue priority than those with a later queue priority date."[653]

268. MISO states that it will provide affected system study results in the final ERAS study report, in the draft EGIA, or when they are received from the affected system operator, if they are not available at the time of the final ERAS study results and/or at the time of EGIA execution.[654] MISO explains that, in the event that an interconnection customer withdraws its ERAS interconnection request and terminates its EGIA after execution of the EGIA or after requesting that the EGIA be filed unexecuted, the interconnection customer will be liable for the network upgrades arising from the affected system study process.[655]

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[653] MISO, Proposed Tariff, attach. X (GIP) (175.0.0), § 3.5.2.

[654] Transmittal at 38; MISO, Proposed Tariff, attach. X (GIP) (175.0.0), §§ 3.9.3, 3.9.5; *see also* Witmeier Testimony at 65.

[655] Witmeier Testimony at 66.

269. MISO contends that this process will ensure a timely affected system study appropriate for the ERAS process while still providing necessary flexibility for MISO and individual seams partners.[656]

b. Responsive Pleadings

i. Protests

270. MISO IPPs argue that the Revised ERAS Proposal fails to adequately address how MISO will manage affected system studies for ERAS interconnection requests and how such affected system studies may impact DPP interconnection requests.[657] MISO IPPs argue that affected system studies are time-consuming and can cause substantial delays, yet MISO largely ignores the issue of affected system studies, merely stating that MISO will include affected system study results in the ERAS study if available, and if not available, MISO will provide them separately when received from the applicable affected system. MISO IPPs argue that this leaves questions, including whether affected system studies will cause delays in processing ERAS interconnection requests and/or DPP interconnection requests.[658]

271. Invenergy argues that ERAS does not align with Order No. 2023's requirement that affected system studies be completed in clusters in order of queue priority based on when the affected system study agreement was executed. Invenergy states that while MISO has filed provisions for its JTIQ with SPP, it does not explain how the serial nature of ERAS would interface with the affected system cluster study process.[659]

272. Clean Grid Alliance argues that information regarding the affected system process remains unclear and lacks critical details on MISO's coordination with its seams partners.[660] Clean Grid Alliance asserts that MISO has not explained how neighboring transmission systems would be able to individually process 10 ERAS interconnection requests quarterly through 2027, as well as how those studies would align with the affected system operator's study of DPP interconnection requests and its own queue.

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[656] Transmittal at 51.

[657] MISO IPPs Docket No. ER25-1674 Protest at 25 (citing MISO, Docket No. ER25-1674, Proposed Tariff, attach. X (GIP) (169.0.0), § 3.9.3).

[658] MISO IPPs Docket No. ER25-1674 Protest at 25 (citing MISO, Docket No. ER25-1674, Proposed Tariff, attach. X (GIP) (169.0.0), § 3.9.3).

[659] Invenergy Protest at 18.

[660] Clean Grid Alliance Protest at 27.

Similarly, MISO IPPs argue that it is unclear whether affected system studies will cause delays in processing DPP interconnection requests.[661] Clean Grid Alliance argues that affected system coordination has been a significant source of queue processing delays, and such delays are misaligned with meeting MISO's claimed near-term resource adequacy and reliability needs.[662]

273. Clean Energy Associations contend that ERAS interconnection customers may be put in the position to sign an EGIA before receiving information about affected system networks upgrades and argues that this conflicts with the requirement adopted in Order No. 2023 for a host transmission provider to delay the deadline for an interconnection customer to file its LGIA, at an interconnection customer's request, if the affected system study results have not been received.[663]

274. Clean Energy Associations argue that the risk of limited information on affected system study results might deter independent power producers' interconnection requests that are well suited to meet near-term resource adequacy needs from applying for the ERAS process, while posing relatively little risk to LSE-owned or affiliated generation that can pass along unexpected affected system network upgrade costs to consumers.[664]

ii. Answers

(a) MISO Answer

275. In response to concerns regarding the lack of detail on the affected system study process for ERAS interconnection requests, MISO explains that ERAS interconnection requests will be subject to the same affected system process as DPP interconnection requests, including the same criteria used by MISO's seams partners.[665]

276. Further, in response to protesters' arguments that LSEs can pass along affected system costs to consumers without bearing the same risk as independent power producers, MISO states that differences in risk profiles already existed between LSEs and

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[661] MISO IPPs Docket No. ER25-1674 Protest at 25 (citing MISO, Docket No. ER25-1674, Proposed Tariff, attach. X (GIP) (169.0.0), § 3.9.3).

[662] Clean Grid Alliance Protest at 28.

[663] Clean Energy Associations Docket No. ER25-1674 Protest at 24-25.

[664] Clean Energy Associations Protest at 24-25 (citing Clean Energy Associations Docket No. ER25-1674 Protest at 25, 48-51).

[665] MISO Docket No. ER25-1674 Answer at 41.

independent power producers prior to the Revised ERAS Proposal and are not a result of that proposal.[666]

(b) Additional Answers

277. Clean Grid Alliance argues that MISO fails to explain how the Revised ERAS Proposal would lead to an expedited process to bring new generation online if ERAS and DPP interconnection requests are subject to the same affected system processes.[667] Clean Grid Alliance also argues that MISO does not provide sufficient information about how it will coordinate affected system studies with all seams partners and that the lack of information does not satisfy MISO's burden under FPA section 205.[668] Further, Clean Grid Alliance argues that MISO's statement that it will merely request that an affected system operator study ERAS interconnection requests on a serial basis is contrary to the Commission's reforms in Order No. 2023 to firm-up the affected system study process and draw clearly defined parameters.[669]

c. Commission Determination

278. We find that MISO's proposed process to notify affected system operators of potential impacts to their transmission systems from ERAS interconnection requests in a serial fashion, as well as MISO's requirements regarding affected system network upgrade obligations on ERAS interconnection customers, to be just and reasonable and not unduly discriminatory or preferential and accomplishes the purposes of Order Nos. 2003 and 2023. MISO's proposal will ensure that ERAS interconnection requests are evaluated for impacts on affected systems like other interconnection requests, consistent with Commission precedent.[670] As MISO states, the ERAS interconnection requests are subject to the same affected system study process as DPP interconnection requests, including the same criteria currently used by MISO's seams partners, albeit MISO will notify those seams partners of potential impacts in a serial manner. MISO's proposal to use a serial study process here does not present concerns related to queue

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[666] *Id.* at 29-30.

[667] Clean Grid Alliance Docket No. ER25-1674 Answer at 10.

[668] *Id.* at 20-21.

[669] *Id.* at 22 (citing MISO Answer at 44; Order No. 2023, 184 FERC ¶ 61,054 at P 1111).

[670] Order No. 2003, 104 FERC ¶ 61,103 at P 118.

withdrawals and restudies traditionally raised by serial study processes[671] because, as discussed above, interconnection projects in the ERAS process are less likely to be speculative and withdraw due to the enhanced commercial readiness requirements.

279. We disagree with protesters that requiring ERAS interconnection customers to execute an EGIA, or request that it be filed unexecuted, prior to receiving affected system study results is unjust and unreasonable. The proposed ERAS eligibility criteria and requirements are intended to ensure that non-speculative, "shovel ready" projects enter the ERAS process and move expeditiously to EGIA execution. To the extent that an interconnection customer is not willing to execute an EGIA without affected system study results, the interconnection customer may withdraw from the ERAS process.[672] Additionally, as the Commission noted in Order No. 2023-A, there is no requirement for affected system network upgrade costs to be known at the time of LGIA execution, which in ERAS would be at the time of EGIA execution or requesting that it be filed unexecuted.[673]

280. Finally, we disagree with the concerns raised by certain protesters that MISO's Revised ERAS Proposal provides vague information regarding affected system studies. We find that MISO's proposed Tariff language provides sufficient detail regarding the process in which MISO will notify affected system operators of potential impacts from ERAS interconnection requests, as well as how MISO will relay the results of affected system analysis to ERAS interconnection customers.

6. Miscellaneous

a. MISO's Filing

281. MISO states that following the Commission's rejection of the Initial ERAS Proposal, it re-engaged with stakeholders to develop the Revised ERAS Proposal.[674] MISO states that it presented the Revised ERAS Proposal at the Planning Action Committee meeting on May 28, 2025 and received feedback from stakeholders through

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[671] Order No. 2023, 184 FERC ¶ 61,054 at P 47.

[672] We note that withdrawing ERAS interconnection requests that withdraw prior to executing an EGIA will forfeit their non-refundable $100,000 D1 payment. *See* MISO, Proposed Tariff, attach. X (GIP) (175.0.0) § 3.9.2.

[673] Order No. 2023-A, 186 FERC ¶ 61,199 at P 494.

[674] Transmittal at 19.

its informal feedback tool.[675] MISO also asserts that it held "dozens" of calls with stakeholders.[676]

a. Responsive Pleadings

i. Comments in Support

282. Big Rivers Electric asserts that the Revised ERAS Proposal underwent extensive review and discussion through MISO's stakeholder process, and MISO adopted many stakeholder recommendations to enhance the proposal's effectiveness. Big Rivers Electric further states that MISO has provided extensive opportunity for all interested parties to participate in stakeholder processes and that the Revised ERAS Proposal reflects substantial stakeholder input gathered over the past several months.[677]

283. CenterPoint states that MISO's Revised ERAS Proposal enjoys widespread support from the State of Indiana, as expressed by a concurrent resolution passed by the Indiana House of Representatives and Senate urging reform processes to expedite the approval of electric transmission and generation projects and a letter from Indiana Governor Mike Braun expressing his strong support for MISO's efforts to address pressing resource adequacy challenges.[678] Furthermore, CenterPoint notes that Indiana Energy Association has expressed its support for the Revised ERAS Proposal, as it will help account for the growing complexity of the energy landscape and ensure that sufficient resources are available to meet immediate and future demand.

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[675] *Id.* (citing MISO, *Expedited Resource Addition Study (ERAS) Next Steps* (May 28, 2025), https://cdn.misoenergy.org/20250528%20PAC%20Item%2008%20Expedited%20Resource%20Addition%20St udy%20(ERAS)%20Next%20Steps%20(PAC-2023-1)699836.pdf. ; Informal Feedback (2025), MISO, https://www.misoenergy.org/engage/stakeholder-feedback/2025/informalfeedback-2025/).

[676] Witmeier Testimony at 23.

[677] Big Rivers Electric Comments at 5-6.

[678] CenterPoint Comments at 5-6.

ii. Protests

284. Several protesters raise concerns over the stakeholder process that preceded the Revised ERAS Proposal.[679] Clean Grid Alliance states that MISO never informed stakeholders of its plan to request a shortened comment period.[680] PIOs contend that the silence from some states likely reflects the inadequate time to respond under the shortened comment period rather than their support.[681] Illinois Commission and PIOs assert that pre-filing stakeholder engagement on the Revised ERAS Proposal was limited due to MISO's quick refiling of its ERAS proposal, and there was no formal stakeholder feedback requested by MISO prior to filing the revisions.[682] PIOs and Clean Grid Alliance assert that MISO did not publicly share its proposed Tariff language prior to filing with the Commission.[683] PIOs state that they have had conversations with Minnesota State Commissioners who have expressed concern over the Revised ERAS Proposal.[684]

285. PIOs argue that this lack of stakeholder engagement renders the Revised ERAS Proposal legally vulnerable. According to PIOs, the record is insufficient for the Commission to make a reasoned decision, and MISO violated Order No. 719,[685] by which an RTO/ISO must be responsive to the needs of its customers and stakeholders.[686] PIOs allege that because MISO bypassed its normal stakeholder process and rushed the revision of the ERAS proposal, MISO failed to "make well-informed decisions that

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[679] Clean Grid Alliance Protest at 3-4; Illinois Commission Comments at 3; PIOs Protest at 1, 32-37.

[680] Clean Grid Alliance Protest at 3-4.

[681] PIOs Protest at 40.

[682] *Id.* at 34; Illinois Commission Comments at 3.

[683] Clean Grid Alliance Protest at 3; PIOs Protest at 35.

[684] PIOs Protest at 40-41 (citing Minnesota Commission, *MISO Quarterly Update Meeting* (June 6, 2025)). PIOs include quotes from Minnesota State Commissioners Hwikwon Ham and Joseph Sullivan, who voiced concerns over MISO's Revised ERAS Proposal process at the Minnesota Commission meeting on June 6, 2025.

[685] *Wholesale Competition in Regions with Organized Elec. Mkts*, Order No. 719, 125 FERC ¶ 61,071 (2008), *order on reh'g*, Order No. 719-A, 128 FERC ¶ 61,059, *order on reh'g*, Order No. 719-B, 129 FERC ¶ 61,252 (2009).

[686] PIOs Protest at 37-38.

reflect the full range of competing interests that may be affected," and also failed to meet the ongoing responsiveness requirements of Order No. 719.[687] PIOs contend that MISO has also arguably failed to meet the remaining criteria outlined in Order No. 719 to ensure a balancing of diverse interests and representation of minority interests because the Revised ERAS Proposal has not gone before the MISO Board of Directors.[688]

286. Finally, PIOs assert that MISO's rushed process to submit the Revised ERAS Proposal has resulted in numerous errors in its filing. PIOs state that, for example, the proposed Tariff language includes references in the EGIA to the three-year grace period provided for under GIP section 4.4.4 but that this conflicts with the language in proposed GIP section 3.9.8, which states that no changes to the commercial operation date are permitted once an interconnection request enters ERAS.[689]

iii. Answers

(a) MISO Answer

287. MISO states that it worked to quickly file the Revised ERAS Proposal to address the failures identified by the Commission in the May 2025 Order and to create a fully workable process that could be implemented this year.[690] MISO disagrees with protesters that the stakeholder process was rushed.[691] MISO asserts that it made targeted changes to its Initial ERAS Proposal, which was crafted with extensive stakeholder input, and that the changes were not created in a vacuum. MISO asserts that the Revised ERAS Proposal applied lessons learned from the original stakeholder process, considered the Commission's findings, and engaged with stakeholders on an individual basis to receive feedback on the proposed changes. Thus, MISO states that the Revised ERAS Proposal is the result of MISO responding to input from a variety of parties, stakeholder protests to the Initial ERAS Proposal, and feedback from individual stakeholders on the Revised ERAS Proposal. MISO asserts that it was necessary to quickly file the Revised ERAS

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[687] *Id.* at 37 (citing Order No. 719, 125 FERC ¶ 61,071 at PP 506-509).

[688] *Id*.

[689] *Id.* at 38 (citing MISO, Proposed Tariff, attach. X (GIP) (175.0.0), §§ 4.4.4, 3.9.8; *id.* app. 6 (GIA) (106.0.0), art. 2.3.1.

[690] MISO Answer at 11.

[691] *Id.* (citing Clean Energy Associations Protest at 5-6; COMPP Protest at 6-7; Illinois Commission Comments at 2-3; Michigan Commission Protest at 2; PIOs Protest at 3).

Proposal to enable MISO to begin ERAS this year and to address its short-term resource adequacy and reliability needs.[692]

288. MISO states that it acknowledges the diverse interests of the stakeholder community but argues that developing a proposal that satisfies every interest of each stakeholder is not possible, nor should that be the benchmark.[693]

(b) Additional Answers

289. PIOs contend that MISO has not explained how holding a full stakeholder process to implement their suggestions would hinder the intended benefits of the Revised ERAS Proposal.[694] PIOs point out that OMS has not provided input on the Revised ERAS Proposal and that the Commission should not assume parties that supported the Initial ERAS Proposal also support the instant filing. PIOs argue that MISO's statements that it reached out to certain stakeholders are indicative of a secretive and exclusive process that falls short of the standards for stakeholder engagement outlined in Order No. 719. PIOs further argue that it is concerning that many of the revisions following the May 2025 Order appear to be at the request of individual stakeholders.[695]

b. Commission Determination

290. We disagree with protesters' contention that MISO's stakeholder process for the Revised ERAS Proposal is a basis to reject the filing. We find that MISO's stakeholder process for the Revised ERAS Proposal, though it entailed a more targeted approach than the one taken for the Initial ERAS Proposal, was sufficiently responsive to stakeholder feedback within the context of the revisions that MISO sought to make in its Revised ERAS Proposal, and consistent with MISO's existing governance procedures and stakeholder processes that the Commission has already approved as compliant with Order No. 719.[696] MISO states that the Revised ERAS Proposal focused on limited modifications to the Initial ERAS Proposal in order to be responsive to the May 2025 Order, and as such, MISO engaged with stakeholders on a targeted basis to refine an

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[692] *Id.* at 11-12.

[693] *Id.* at 30.

[694] PIOs Answer at 13 (citing Witmeier Docket No. ER25-1674 Rebuttal Testimony at 5).

[695] *Id.*

[696] *See Midwest Indep. Transmission Sys. Operator, Inc.*, 133 FERC ¶ 61,068, at P 44 (2010).

existing prior proposal, as compared to the more extensive stakeholder process for the Initial ERAS Proposal, which included discussions, presentations, and numerous opportunities for stakeholder input.[697] According to MISO, following the May 2025 Order, MISO re-engaged with its stakeholders at the May 28, 2025 Planning Action Committee meeting, and thereafter, MISO received feedback from stakeholders through its informal feedback tool.[698] In addition, MISO states that the Revised ERAS Proposal incorporates feedback that was received for the Initial ERAS Proposal.[699] Thus, MISO asserts that the Revised ERAS Proposal responds to the Commission's guidance, stakeholder protests to the Initial ERAS Proposal, input from a variety of parties, and feedback from individual stakeholders on the Revised ERAS Proposal.[700]

The Commission orders:

(A) MISO's proposed Tariff revisions are hereby accepted, subject to condition, effective August 6, 2025, as requested, as discussed in the body of this order.

(B) MISO is hereby directed to submit a further compliance filing within 30 days of the date of this order, as discussed in the body of this order.

By the Commission. Commissioner Chang is concurring with a separate statement attached.

(S E A L)

Debbie-Anne A. Reese,
Secretary.

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[697] *See* Transmittal at 18.

[698] *Id.* at 19.

[699] Witmeier Docket No. ER25-1674 Rebuttal Testimony at 5.

[700] MISO Answer at 11.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Midcontinent Independent System Operator, Inc. Docket No. ER25-2454-000

(Issued July 21, 2025)

CHANG, Commissioner, *concurring*:

1. I concur in today's order accepting Midcontinent Independent System Operator, Inc's (MISO) Expedited Resource Addition Study (ERAS) proposal as just and reasonable, and not unduly discriminatory or preferential, because it is sufficiently tailored to reflect the specific needs that are rapidly arising in the MISO region. I write separately, given my prior dissent on PJM Interconnection, L.L.C.'s (PJM) Reliability Resource Initiative (RRI) proposal.[1]

2. Regulators and the utilities we oversee are responsible for ensuring that customers' needs are reliably and affordably met. For more than two decades, the Commission and the industry have relied on non-discriminatory interconnection procedures to facilitate access for new generation of all types. It is no secret that queues around the country, and particularly in the regional transmission organizations, are strained, which has significantly delayed the interconnection of new resources needed to serve new and existing loads. In response, the Commission, grid operators, and utilities are searching for solutions to process backlogged queues and expedite the interconnection of new resources.[2]

3. As a general matter, when faced with the challenge of the existing queue backlogs, I disfavor temporary solutions that do not help resolve the underlying problem. One-off short-term fixes can create additional problems and at times beget further one-off fixes. Developing these types of temporary proposals can detract from our collective efforts to address the more fundamental underlying issues. Furthermore, interconnection queue proposals that grant priority access to the system are, at minimum, in tension with

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[1] *PJM Interconnection, L.L.C.*, 190 FERC ¶ 61,084 (2025) (Chang, Comm'r, dissenting).

[2] *See, e.g.*, *Improvements to Generator Interconnection Procs. & Agreements*, Order No. 2023, 184 FERC ¶ 61,054, *order on reh'g*, 185 FERC ¶ 61,063 (2023), *order on reh'g*, Order No. 2023-A, 186 FERC ¶ 61,199, *errata notice*, 188 FERC ¶ 61,134 (2024); *Midcontinent Indep. Sys. Operator, Inc.*, 190 FERC ¶ 61,057 (2025) (approving MISO's generator interconnection queue cap).

competition and open access to the transmission system, which I believe have served customers well and should not be lightly discarded. Any deviations from the traditional Commission policy or existing, generally applicable queue procedures have a very high bar to clear.

4. Nonetheless, to meet the challenge of resource adequacy, as I explained in my dissent on PJM's RRI proposal, I am open to considering region-specific deviations from generally applicable interconnection queue procedures, given the Commission's paramount obligation to ensure that system operators can reliably serve their loads. Consistent with my analysis there, I assess here (1) whether MISO has demonstrated a sufficient reliability need to justify its proposed deviation, and (2) whether its proposed solution to that need is sufficiently tailored to address it. As discussed below, I find that MISO has satisfied both showings and I therefore approve its filing.

5. In the MISO region, most of the states and load serving entities (LSEs) have full responsibility over their own resource adequacy. These entities must ensure that sufficient supply and demand-side resources will be able to meet the growing load, and they do so through resource planning processes that state regulators oversee. Those resource planning processes are used to determine the utilities' investments in and contracts with new resources. MISO's proposal, which gives states a voice in which projects are selected for ERAS, codifies that selection decision into MISO's tariff for a limited set of projects that can most readily meet the specific needs identified by the states. MISO's ERAS process essentially moves the timing of when a proposed resource is selected by a state or an LSE from the after the interconnection process to before it, while maintaining the responsibility of the states and LSEs to ensure their footprints are resource adequate.

6. To facilitate such role for the state and the LSEs, each ERAS interconnection request must be accompanied by a written verification from a state entity that there is a need for the resource to interconnect to the MISO system. Along with that verification, the resource must have a power purchase agreement or other agreement to ensure that the resource has a commercial off-taker that plans to use the generation as soon as it is in commercial operation. The state and the LSE must identify a specific load addition or resource adequacy need that the planned resource will meet. These factors ensure that the ERAS projects are needed, supported by state entities, and sufficiently commercially viable to ensure the projects are actually constructed.

7. MISO has put in place significant requirements for the interconnection customers seeking to use the ERAS process. First, the proposal allows for an addition of only 68 projects to an expedited interconnection process. Of those 68, eight are reserved for restructured states, ten are reserved for independent power producers, and the remaining 50 are available to any type of interconnection customer, whether they are affiliated with the interconnecting transmission owner or not. While limiting the number of projects that

can participate is a minimum requirement to avoid creating a perpetual process under which certain resources can bypass the existing queue, it is not only the limited number of projects that makes MISO's ERAS proposal acceptable. Next, each project must demonstrate full site control and must provide several financial payments to enter the process. Both of these requirements will limit the projects that seek to enter the ERAS queue and will limit withdrawals from the ERAS process and other queue disruptions.

8. MISO's proposal requires that it study all of the ERAS requests by the earlier of the completion of all 68 studies or August 31, 2027. This ensures that this process does not linger past the time where MISO explains it needs the new generation the most and ensures that the ERAS process is truly a one-time exception to the traditional interconnection process as required by Orders No. 2003 and 2023. It is extremely important that this process is limited to a short term, one-time fix, and I appreciate MISO's revised requirements to ensure it completes the ERAS process by August 31, 2027.

9. MISO also explains that it will study no more than 10 projects per quarter, which will necessarily limit the staffing needed to process the ERAS studies. While MISO is implementing various computational solutions to improve the processing of interconnection requests, it is still constrained by the number of personnel that can work on the studies. By limiting to studying only 10 projects per quarter, MISO's ERAS proposal should help ensure that MISO's staff has enough bandwidth to continue the important work on processing the existing interconnection queue.[3]

10. Overall, I am persuaded that MISO's ERAS proposal is a just and reasonable solution to, in the short term, add resources that can address imminent demand growth and locational resource adequacy challenges. I truly hope this process is a successful bridge to the more durable and equitable implementation of MISO's latest interconnection reforms and the reforms required by Order No. 2023, which should provide better long-term outcomes under the Commission's traditional open access framework.

For these reasons, I respectfully concur.

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Judy W. Chang
Commissioner

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[3] *Midcontinent Indep. Sys. Operator, Inc.*, 192 FERC ¶ 61,064, at P 110 (2025).

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