

170 FERC ¶ 61,186
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Neil Chatterjee, Chairman;
Richard Glick and Bernard L. McNamee.

Midcontinent Independent System Operator, Inc.

Docket No. ER20-588-000

ORDER ACCEPTING AND SUSPENDING TARIFF REVISIONS AND
ESTABLISHING TECHNICAL CONFERENCE

(Issued March 10, 2020)

1. On December 12, 2019, Midcontinent Independent System Operator, Inc. (MISO) filed, pursuant to section 205 of the Federal Power Act (FPA)¹ and section 35 of the Commission's regulations,² proposed revisions to its Open Access Transmission, Energy, and Operating Reserve Markets Tariff (Tariff) to allow for the selection of a storage facility as a transmission-only asset (SATO) in the MISO Transmission Expansion Plan (MTEP). We find that the proposed Tariff revisions have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we accept the Tariff revisions for filing and suspend their effectiveness for five months, subject to refund, to become effective August 11, 2020, subject to further order by the Commission following a technical conference, as set forth in this order.

I. Background

2. In 2017, the Commission issued a policy statement to: (1) provide guidance and clarification regarding the ability of electric storage resources to receive cost-based rate recovery for certain services (such as transmission or grid support services or to address other needs identified by a Regional Transmission Organization (RTO) or Independent System Operator (ISO)) while also receiving market-based revenues for providing separate market-based rate services; and (2) provide additional guidance on the issues that should be addressed by electric storage resources when seeking to recover their costs through both

¹ 16 U.S.C. § 824d (2018).

² 18 C.F.R. § 35.13 (2019).

cost-based and market-based rates concurrently.³ The Commission stated that clarification regarding its precedent in *Nevada Hydro*⁴ and *Western Grid*⁵ was warranted due to potential confusion with respect to that precedent.⁶

3. In *Nevada Hydro*, the Commission denied a request that a pumped storage project be treated as a transmission facility under the operational control of the California Independent System Operator Corporation (CAISO) and that the cost of the project be included in CAISO's rolled-in transmission access charge (TAC).⁷ Under the proposal, CAISO would have served its ancillary services needs consistently from Nevada Hydro's proposed Lake Elsinore Advanced Pumped Storage project (LEAPS), and Nevada Hydro would have consistently bid LEAPS' stored energy into the market at a price of zero dollars.⁸ Nevada Hydro asserted that it had carefully crafted its proposal to avoid market distortions. CAISO argued that its independence would be compromised, as it would have to decide when LEAPS would operate, how much energy it would produce, and when it would operate the pumps to store water for future generation.⁹ The Commission stated that the purpose of CAISO's TAC is to recover the costs of transmission facilities under the control of CAISO, not to recover the costs of bundled services.¹⁰ The Commission found that it would not be appropriate to require CAISO to assume any level of operational control over the pumped-storage facility.¹¹ The Commission stated that, for these reasons, LEAPS' costs were not properly recovered through the TAC. The Commission added that, absent information that justified treating LEAPS differently from the existing pumped hydro facilities in CAISO's footprint, allowing LEAPS to receive a guaranteed revenue stream through CAISO's TAC would create an undue preference for LEAPS compared to these other similarly situated pumped hydro generators. Therefore, the Commission

³ *Utilization of Electric Storage Resources for Multiple Services When Receiving Cost-Based Rate Recovery*, 158 FERC ¶ 61,051, at P 9 (2017) (2017 Policy Statement).

⁴ *The Nev. Hydro Co. Inc.*, 122 FERC ¶ 61,272 (2008).

⁵ *Western Grid Dev., LLC*, 130 FERC ¶ 61,056 (2010).

⁶ 2017 Policy Statement, 158 FERC ¶ 61,051 at P 9.

⁷ *Nevada Hydro*, 122 FERC ¶ 61,272 at PP 82-83.

⁸ *Id.* P 74.

⁹ *Id.* P 81.

¹⁰ *Id.* P 83.

¹¹ *Id.* P 82.

rejected Nevada Hydro's proposal to include the costs of LEAPS in CAISO's rolled-in transmission charge.¹²

4. Two years later, in *Western Grid*, the Commission accepted Western Grid's proposal to provide cost-based recovery for electric storage resources through transmission rates, finding (among other things) that: (1) when operated at CAISO's direction to provide voltage support and thermal overload protection for relevant transmission facilities, the electric storage resources would function as wholesale transmission facilities;¹³ (2) CAISO's independence would be maintained because CAISO would not be responsible for buying power to energize the resources or physically operating the batteries when they were being charged and discharged;¹⁴ (3) Western Grid would not retain any revenues outside of the transmission access charge and would credit any incidental revenues it may accrue as a result of charging/discharging the electric storage resources to transmission customers;¹⁵ and (4) the electric storage resources would not undercut competitive bids by other market participants because Western Grid would not be offering the resources into the CAISO markets, but rather would only use the resources to provide voltage support and to address thermal overload situations at CAISO's instruction.¹⁶

II. Filing

5. MISO is proposing new Tariff provisions to allow a storage facility to be approved as the preferred solution to transmission issues identified in the MTEP. MISO asserts that its proposal follows the principles the Commission articulated in *Western Grid* and the 2017 Policy Statement.¹⁷ MISO notes that, while the 2017 Policy Statement addressed the circumstance where a storage resource may serve as both a transmission and a market resource, its present proposal is to utilize storage facilities as transmission

¹² *Id.* P 83.

¹³ *Western Grid*, 130 FERC ¶ 61,056 at P 43.

¹⁴ *Id.* P 45.

¹⁵ *Id.* P 46. Western Grid explained that it would pay retail energy prices when taking power from the grid and would receive retail credit in releasing energy during a time when reliability concerns trigger such an action. *Id.* P 19.

¹⁶ *Id.* P 51.

¹⁷ Filing, Transmittal Letter at 7, 9.

assets only.¹⁸ MISO asserts that its Tariff provisions ensure that SATOAs are reviewed in the same context and with the same rigor as traditional wires solutions.¹⁹ MISO proposes a new Section II.G of Attachment FF (Transmission Expansion Planning Protocol) to its Tariff, which includes, as further described below: (1) an evaluation process for the SATOA to be included in MTEP as the preferred solution to a transmission issue; (2) assumptions that are applied; (3) criteria for selection a SATOA as the preferred solution in MTEP; (4) development of operating guides; and (5) a description of market-derived costs and revenues associated with a SATOA.²⁰

6. MISO's proposed Tariff language establishes the evaluation process for selecting a SATOA as a solution to a transmission issue in the MTEP. The proposed Tariff language states that the SATOA must demonstrate a basis to be recommended for inclusion in the MTEP as a transmission asset by:

Unique characteristics or circumstances of the proposed SATOA necessary to meet the identified Transmission System performance requirements and not otherwise available at comparable costs from other proposed solutions, including speed of operation, lead-time to implement, right-of-way or other property considerations.²¹

MISO states that unique features may include degradation of capacity over time, inverter-based impacts on reliability, and impacts on operating and interconnecting market resources.²² In addition, the proposed Tariff language states that the proposed SATOA must demonstrate “[a] need to resolve the Transmission Issue(s) through the storage

¹⁸ *Id.* at 3-4. MISO states that, in 2020, MISO and its stakeholders intend to begin the process of addressing issues related to using storage as both transmission assets and to provide market services. *Id.* at 3.

¹⁹ *Id.* at 14.

²⁰ *Id.* at 16, 20.

²¹ *Id.*, Tab A, proposed MISO Tariff, Attach. FF, § II.G.1.c.i.a (71.0.0).

²² *Id.*, Transmittal Letter at 2. MISO states, for example, that a storage asset can rapidly inject and withdraw real or reactive power in solving transmission issues that could not otherwise be resolved if the storage asset was participating in markets. *Id.* at n.5.

facility's functioning as a SATOA instead of as a Resource that participates in [MISO]'s markets."²³

7. Under the proposal, a SATOA must meet the criteria to be classified as one of the transmission types outlined in Attachment FF (i.e., a Baseline Reliability Project, New Transmission Access Project, Market Efficiency Project, Market Participant Funded Project, Targeted Market Efficiency Project, Multi-Value Project, or Other Project).²⁴ If the SATOA meets these criteria, as well as the additional criteria applicable to the SATOA (described below), it will be included in Appendix A of the MTEP as that project type.²⁵ The description of the project in the MTEP will disclose that the project includes a storage resource. MISO asserts that this approach will ensure that the project will move forward to construction to resolve the transmission issue because of the obligation to construct that applies to MISO's current project types.²⁶ MISO also states that requiring a SATOA to qualify as an existing project type within the Tariff ensures that cost allocation is identified at the time the SATOA is included in the MTEP. MISO states that its proposal will provide consistency among transmission assets.

8. MISO outlines comparative evaluations of a SATOA that will be conducted after MISO concludes that the project is eligible for consideration in the MTEP. First, MISO will evaluate the ability of the SATOA to address the transmission issue (e.g., loading, voltage, stability) in all hours that the transmission issue is determined to exist, with a life-cycle cost that is comparable to other proposed solutions or as otherwise needed to address the transmission issue, and after consideration of comparability in system performance to other proposed solutions, including any proposed non-transmission alternatives.²⁷ MISO proposes that cost recovery for a SATOA under transmission rates will be limited to the cost of the maximum capacity needed to address the transmission issue and will be pro-rated on that basis if a SATOA of higher capacity is proposed, approved for inclusion in

²³ *Id.*, Tab A, proposed MISO Tariff, Attach. FF, § II.G.1.c.i.b (71.0.0).

²⁴ *Id.*, Transmittal Letter at 16, Tab A, proposed MISO Tariff, Attach. FF, § II.G.1 (71.0.0).

²⁵ *Id.*, Transmittal Letter at 17.

²⁶ *Id.* (citing MISO FERC Electric Tariff, Attachment FF, § V (“... for each project included in the recommended MTEP Appendix A and prior to approval by the Transmission Provider Board, the plan shall designate one or more Transmission Owners to construct, own, operate, maintain, repair, restore, and finance the recommended project ...”)); *see also* Transmission Owners Agreement, Appendix B, § VI (establishing construction obligations).

²⁷ Filing, Transmittal Letter at 18, Tab A, proposed MISO Tariff, Attach. FF, § II.G.1.a.i (71.0.0).

the MTEP, and installed. MISO states that this will ensure that transmission customers do not subsidize any excess capacity.²⁸ MISO also states that any SATOA with excess capacity beyond the required capacity selected as the preferred solution in the MTEP will be required to go through the full Generator Interconnection Process (GIP) described in Attachment X of MISO's Tariff if the SATOA seeks to offer that excess capacity into the market.²⁹ MISO also proposes that it will: (1) require assurance of sufficient energy or reactive capability to charge or discharge energy for the period identified as necessary in the planning study; (2) assess system reliability impacts applicable to inverter-based facilities on the same basis and in a manner comparable to the analysis in the GIP as applicable to storage resources as inverter-based facilities; and (3) make any other additional considerations that may support comparative evaluation to other solutions to the transmission issue, such as lead-time to develop, right of way or substation impacts, expandability, operational flexibility, and other factors.³⁰ MISO notes that no transmission service charges are applicable to the operation of a SATOA because its operation is under the direction of MISO for transmission purposes.³¹

9. MISO outlines the cost assumptions that will be considered in order to evaluate a SATOA's cost effectiveness as compared to other potential solutions. The entity proposing the SATOA must provide the planning estimate of the SATOA's: (1) direct capital cost; (2) expected useful life; (3) equipment replacement schedules, associated life-cycle costs, and other ongoing costs to maintain the SATOA at its required capacity and energy capability necessary to address the transmission issue identified, or otherwise comparable to a traditional wires solution; and (4) any other cost and performance information that MISO may determine is necessary to compare the cost and performance with other proposed solutions to the identified transmission issue.³²

10. MISO will also consider the SATOA's impacts on resources in the generator interconnection queue.³³ If MISO or a stakeholder identifies any potential impacts to newly-interconnecting generation resources in the interconnection study process, MISO

²⁸ *Id.*, Tab A, proposed MISO Tariff, Attach. FF, § II.G.1.a.ii (71.0.0).

²⁹ *Id.*, Transmittal Letter at 13 n.67.

³⁰ *Id.* at 18-19, Tab A, proposed MISO Tariff, Attach. FF, § II.G.1.a.iii - vi (71.0.0).

³¹ *Id.*, Transmittal Letter at 21-22, Tab A, proposed MISO Tariff, Attach. FF, § II.G.5 (71.0.0).

³² *Id.* at 19-20, Tab A, proposed MISO Tariff, Attach. FF, § II.G.1.b (71.0.0).

³³ *Id.*, Transmittal Letter at 20-21, Tab A, proposed MISO Tariff, Attach. FF, § II.G.1.d (71.0.0).

will assess whether the proposed SATOA will impact the newly-interconnecting generation resources. Such assessment may include targeted contingency analyses applying North American Electric Reliability Corporation's transmission planning reliability standards and applicable regional and local planning criteria to evaluate the incremental impact of the proposed SATOA on interconnection queue projects in proximity to the SATOA in the MTEP model to compare loading and other system performance impacts attributable to the addition of the SATOA. If the assessment demonstrates that the necessary operating mode of the SATOA would cause the need for additional system mitigation, the cost of such mitigation will be included in the evaluation of the proposed SATOA against other potential transmission solutions.

11. MISO proposes that operation of a SATOA in real time will be under MISO's functional control.³⁴ For each SATOA included in the MTEP, MISO will develop an operating guide specifying the operating practices applicable to the SATOA and consistent with the system performance requirements determined through the planning study supporting the selection of the SATOA for inclusion in the MTEP.³⁵ The operating guide will include limitations on the operation of the SATOA above the maximum capacity determined to be needed to address the transmission issue. More specifically, MISO states that, MISO's planning staff will coordinate with the owner of the SATOA, MISO Operations, and the transmission operator to develop the operating guide that establishes conditions for which the SATOA should be discharged and charged to meet the anticipated planning objective. MISO states that the operating guide will also establish boundaries for operation that will be consistent with this objective and will reflect the unique operating parameters of the individual SATOA. For example, MISO asserts that a SATOA planned as a reliability asset will not be operated to relieve congestion; however, the storage device may be operated to avoid load shedding in declared emergency conditions. MISO notes that it will post the CEII-redacted operating guide on its OASIS website.³⁶

12. MISO proposes that a SATOA may be approved to operate for a transmission purpose only, and may only participate in MISO's markets to the extent necessary to receive energy from and inject energy into the transmission system to provide the services for which the SATOA was included in the MTEP and may not otherwise participate in the energy and operating reserves markets and/or the planning resource auction.³⁷ MISO asserts that the SATOA owner is responsible for maintaining the necessary state of charge

³⁴ *Id.*, Transmittal Letter at 13.

³⁵ *Id.* at 21, Tab A, proposed MISO Tariff, Attach. FF, § II.G.2 (71.0.0).

³⁶ *Id.*, Transmittal Letter at 21 n.100.

³⁷ *Id.* at 15, Tab A, proposed MISO Tariff, Attach. FF, § II.G.4 (71.0.0).

to serve the transmission function for which it was approved in the MTEP, and that MISO will exercise functional control of the SATOA for transmission purposes only.³⁸

13. MISO explains how it will address costs incurred and market revenues received from the market activities of a SATOA directed under MISO's control.³⁹ MISO proposes that costs resulting from a SATOA's market activities directed under MISO's functional control shall be collected through transmission rates in a manner consistent with the treatment of costs associated with the transmission project type in which the SATOA is included in Appendix A to the MTEP. Any revenues collected from the SATOA's market activities directed under MISO's functional control shall be credited through transmission rates in a manner consistent with the treatment of costs associated with the project category in transmission rates.

14. MISO also proposes certain Tariff modifications to reflect that the SATOA will derive revenues or incur costs when charging and discharging, but will not be eligible to serve as a market resource.⁴⁰ Specifically, the SATOA owner will need a registered market participant to receive energy net costs. The market participant for a SATOA will be credited the applicable Real-Time Ex Post LMP for Non-Excessive Energy and will be charged for Non-Excessive Energy withdrawals. The SATOA market participant then must provide the net revenues back to the transmission owner, and those net revenues will offset the transmission revenue requirement associated with the resource. The SATOA will have its own CP Node. MISO asserts that the treatment of the SATOA is different from the Commission's requirements for storage resources under Order No. 841.⁴¹ In particular, whereas Order No. 841 requires that a resource using the participation model for storage resources be dispatchable and able to set the wholesale market clearing price as both a wholesale seller and wholesale buyer, MISO's proposed provisions make clear that the SATOA will *not* set the price; rather, the SATOA will be a price taker.

15. MISO also proposes Tariff language to clarify that storage facilities that are not proposed as SATOAs may be considered as non-transmission alternatives (NTAs) to

³⁸ *Id.*, Transmittal Letter at 6.

³⁹ *Id.* at 22, Tab A, proposed MISO Tariff, Attach. FF § II.G.6 (71.0.0).

⁴⁰ *Id.*, Transmittal Letter at 23, Tab A, proposed MISO Tariff, Module C, § 40.3.3.3.a.i (44.0.0).

⁴¹ *Id.*, Transmittal Letter at 23 (citing *Elec. Storage Participation in Mkts. Operated by Reg'l Transmission Orgs. and Indep. Sys. Operators*, Order No. 841, 162 FERC ¶ 61,127, at P 20 (Errata Notice) (Feb. 28, 2018)).

transmission assets to address system needs when participating as generation or demand-side resources.⁴²

16. Finally, MISO states that compliance with the standards of conduct shall be as outlined in the Commission's regulations and Appendix A of the Transmission Owner's Agreement, and asserts that the standards of conduct do not need to be addressed separately for purposes of including the SATOA in the MTEP.⁴³ Rather, MISO contends, the standards of conduct apply independently of the SATOA's inclusion in the transmission system.

17. MISO argues that its proposal addresses all concerns raised in the 2017 Policy Statement, *Nevada Hydro*, and *Western Grid*.⁴⁴ MISO asserts that: (1) the SATOA will be operated in a manner that preserves MISO's independence because the SATOA owner is responsible for maintaining the necessary state of charge to serve the transmission function for which it was approved in MTEP; (2) MISO will exercise functional control of the SATOA for transmission purposes only, and will not be responsible for buying power to energize the project; (3) any revenues received by the resource for charging/discharging to meet its transmission obligations are properly credited back to the transmission function; and (4) the project must be identified as the preferred solution to a transmission issue. MISO also states that the SATOA will not participate in its markets, but will use market settlement mechanisms to settle the charging and discharging functions performed under MISO functional control and direction.⁴⁵

18. MISO notes that there currently is a storage resource proposal pending in MTEP19, which has been fully reviewed in the MISO planning process and found to be the preferred solution for the identified transmission need.⁴⁶ MISO asserts that it will move that project forward for inclusion in MTEP after any order accepting the proposed Tariff revisions.

19. MISO claims that its proposal addresses concerns that arose during the two-year stakeholder process.⁴⁷ MISO requests that the Commission accept its proposed Tariff

⁴² *Id.* at 21, Tab A, proposed MISO Tariff, Attach. FF, § II.G.3 (71.0.0).

⁴³ *Id.*, Transmittal Letter at 24.

⁴⁴ *Id.* at 14.

⁴⁵ *Id.* at 13.

⁴⁶ *Id.* at 25.

⁴⁷ *Id.* at 9-13.

revisions for filing, effective March 11, 2020, and grant a waiver of any Commission regulations that the Commission deems applicable.⁴⁸

III. Notices and Responsive Pleadings

20. Notice of the filing was published in the *Federal Register*, 84 Fed. Reg. 70,181 (2019), with interventions and protests due on or before January 2, 2020. On December 16, 2019, the Commission issued an errata notice correcting and extending the comment period up to and including January 13, 2020. On December 26, 2019, the Commission issued a notice granting an additional seven-day extension of the comment period up to and including January 20, 2020.

21. Timely motions to intervene were filed by: Alliant Energy Corporate Services, Inc.; American Electric Power Service Corporation; Association of Businesses Advocating Tariff Equity; American Wind Energy Association (AWEA); Calpine Corporation; Clean Grid Alliance; Consumers Energy Company; DTE Electric Company (DTE); EDF Renewables Development, Inc.; Electric Power Supply Association (EPSA); Energy Services, LLC; Exelon Corporation; Illinois Industrial Energy Consumers; the Indiana Office of Utility Consumer Counselor; Iowa Office of Consumer Advocates; Michigan South Central Power Agency; Midwest TDUs;⁴⁹ Natural Resources Defense Council; the National Rural Electric Cooperative Association; NextEra Energy Resources, LLC; the Organization of MISO States; RWE Renewables Americas, LLC; Solar Council; Sustainable FERC Project; Texas Industrial Energy Consumers; and WEC Energy Group, Inc., on behalf of its subsidiaries, Wisconsin Electric Power Company, Wisconsin Public Service Corporation, and Upper Michigan Energy Resources Corporation. The Public Utility Commission of Texas filed a notice of intervention. Enel Green Power North America, Inc. (Enel) and Southern Power Company (Southern) filed late motions to intervene.

22. Timely motions to intervene and protests were filed by: American Municipal Power, Inc. (AMP); FirstLight Power Inc. (FirstLight); GlidePath Development LLC (GlidePath); Invenergy Storage Development LLC (Invenergy); and LSP Transmission Holdings II, LLC (LSP Transmission). Joint MISO Stakeholder Sector Participants filed a

⁴⁸ *Id.* at 26.

⁴⁹ Midwest TDUs consist of: Great Lakes Utilities; Madison Gas & Electric Company; Midwest Municipal Transmission Group; Missouri Joint Municipal Electric Utility Commission; Missouri River Energy Services; Southern Minnesota Municipal Power Agency (SMMPA); and WPPI Energy.

protest.⁵⁰ The Michigan Public Service Commission (Michigan Commission) filed a notice of intervention and protest. EPSA filed a late protest.

23. Timely motions to intervene and comments were filed by: Energy Storage Association (ESA); Environmental Law & Policy Center and Center for Renewables Integration (together, Public Interest Organizations); Louisiana Energy Users Group; and MISO Transmission Owners.⁵¹

24. On February 5, 2020, MISO and MISO Transmission Owners filed answers to the comments and protests. On February 27, Clean Energy Entities (comprised of AWEA, Clean Grid Alliance, and Solar Council) filed an answer to the answer. On March 6, MISO filed an answer to Clean Energy Entities' answer.

⁵⁰ Joint MISO Stakeholder Sector Participants consist of: DTE; Alliant Energy Corporate Services, Inc.; Minnesota Department of Commerce; the Citizens Against Rate Excess; Michigan Department of the Attorney General; Consumers Energy Company; RWE Renewables Americas, LLC; Invenergy; Citizens Utility Board of Wisconsin; EDF Renewables Development, Inc.; the American Wind Energy Association; Clean Grid Alliance; Solar Council; Michigan Environmental Council; Citizens Utility Board of Michigan (Michigan Board); Savion, LLC (Savion); National Hydropower Association; Natural Resources Defense Council; Sustainable FERC Project; and LSP Transmission.

⁵¹ MISO Transmission Owners for this filing consist of: Ameren Services Company, as agent for Union Electric Company, Ameren Illinois Company and Ameren Transmission Company of Illinois (Ameren); American Transmission Company LLC; Big Rivers Electric Corporation; Central Minnesota Municipal Power Agency; City Water, Light & Power (Springfield, IL); Cleco Power LLC; Cooperative Energy; Dairyland Power Cooperative; Duke Energy Business Services, LLC for Duke Energy Indiana, LLC; East Texas Electric Cooperative; Entergy Arkansas, LLC; Entergy Louisiana, LLC; Entergy Mississippi, LLC; Entergy New Orleans, LLC; Entergy Texas, Inc.; Great River Energy; Hoosier Energy Rural Electric Cooperative, Inc.; Indiana Municipal Power Agency; Indianapolis Power & Light Company; International Transmission Company; ITC Midwest LLC; Lafayette Utilities System; Michigan Electric Transmission Company, LLC; MidAmerican Energy Company; Minnesota Power (and its subsidiary Superior Water, L&P); Montana-Dakota Utilities Co.; Northern Indiana Public Service Company LLC; 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; Prairie Power Inc.; Southern Illinois Power Cooperative; Southern Indiana Gas & Electric Company; SMMPA; Wabash Valley Power Association, Inc.; and Wolverine Power Supply Cooperative, Inc.

A. Comments in Support

25. MISO Transmission Owners support MISO's proposal, noting that it will expand the available tools transmission owners have to fulfill their obligations to maintain the reliability and resilience of the transmission system.⁵² MISO Transmission Owners state that transmission customers will benefit from the proposal because storage resources can prove to be cost-effective solutions to transmission issues and can be installed more quickly and with less impact than a more traditional transmission solution.⁵³ MISO Transmission Owners contend that MISO's approach is already yielding results, as evidenced by the Waupaca Area Storage Project being identified in MTEP19 as the preferred, most cost-effective solution to the identified transmission issue, pending Commission action on this filing.⁵⁴ MISO Transmission Owners argue that MISO's filing establishes appropriate evaluation criteria and ensures that SATOAs will not be credited or compensated for excess capacity.⁵⁵

B. Protests

26. Protesters argue that MISO's proposal creates an unduly discriminatory preference for storage projects proposed by incumbent MISO transmission owners over identical storage projects proposed by similarly situated non-transmission owner storage developers.⁵⁶ They explain that storage is most likely to qualify as a Baseline Reliability Project or Other Project in the MTEP because other MTEP categories are subject to requirements that storage projects are not likely to meet; for instance, Market Efficiency Projects must be 345 kV or above and have a total project cost of \$5 million or more, and Multi-Value Projects must have a total capacity cost of \$20 million or more.⁵⁷ Protesters note that the MTEP rules

⁵² MISO Transmission Owners Comments at 6.

⁵³ *Id.* at 7.

⁵⁴ *Id.* at 8-10.

⁵⁵ *Id.* at 10-11.

⁵⁶ Joint MISO Stakeholder Sector Participants Protest at 10; Invenenergy Protest at 3-7; EPSA Protest at 3; LSP Transmission Protest at 3; Michigan Commission Protest at 13-14; GlidePath Protest at 7; Public Interest Organizations Comments at 6.

⁵⁷ Joint MISO Stakeholder Sector Participants Protest at 12 n.25; Invenenergy Protest at 4; LSP Transmission Protest at 3. Joint MISO Stakeholder Sector Participants note that the National Renewable Energy Laboratory projects that utility grade electric storage projects will cost \$1,200/kW by the early 2020s and continue to decline. *See* Joint MISO Stakeholder Sector Participants Protest at 12 n.25.

allow existing MISO transmission owners a right of first refusal to construct projects classified as Baseline Reliability Projects and Other Projects. Protesters argue that MISO transmission owners should not have an automatic right to build and own a SATOA – they explain that the right of first refusal was intended to allow transmission owners to build, own, and recover costs for upgrades to their own transmission facilities.⁵⁸ They argue that the MISO transmission owner has no similar interest with respect to a SATOA, which would be an entirely new and separate storage facility.

27. Protesters further contend that non-transmission owner storage developers will be subject to additional requirements when proposing storage as a transmission solution, because non-transmission owner storage developers can only propose a storage solution in the MTEP as an NTA.⁵⁹ Protesters point out that NTAs, as compared to SATOAs, are subject to vastly increased procedural constraints and additional costs because they must first go through the generator interconnection queue, where they will be exposed to substantial financial milestone payments, and must obtain a generator interconnection agreement. In addition, once operational, there is no exemption from transmission charges on energy used to charge an NTA, as there is for a SATOA. Moreover, a MISO transmission owner's project's return on capital and charging costs would be recovered through cost-based transmission rates, whereas a non-transmission owner's NTA project would be dependent solely on the energy market revenues to cover these same costs. Protesters assert that there are no differences in fact, cost of service, or otherwise that justify allowing a MISO transmission owner to bypass the GIP and propose storage projects through the MTEP but not afford the same opportunity to a non-transmission owner.⁶⁰ Protesters argue that MISO's proposal will stifle competition from developers that have the most expertise in owning and operating storage assets.⁶¹ Protesters also point out that, if MISO eventually proposes to allow storage projects to participate in the wholesale market and also perform a transmission function, SATOAs owned by MISO

⁵⁸ Invenergy Protest at 4-5 (citing *Midwest Indep. Transmission Sys. Operator, Inc.*, 142 FERC ¶ 61,215, at P 135 (2013)); LSP Transmission Protest at 4.

⁵⁹ Joint MISO Stakeholder Sector Participants Protest at 13, 18; Invenergy Protest at 5-6; Michigan Commission Protest at 13-14; Public Interest Organizations Comments at 9-11.

⁶⁰ Joint MISO Stakeholder Sector Participants Protest at 12; Invenergy Protest at 6; LSP Transmission Protest at 4; Michigan Commission Protest at 9, 14.

⁶¹ Invenergy Protest at 6-7; GlidePath Protest at 7.

transmission owners will have a clear advantage over other storage projects because they will already be installed on the grid.⁶²

28. Protesters argue that MISO's proposal creates barriers to the participation of electric storage resources, in contravention of Order No. 841, because it prevents storage resources from utilizing their full technical capabilities.⁶³ Specifically, non-transmission owner storage project developers that wish to be a SATOA will be frustrated from doing so because they must complete a lengthy GIP process and be saddled with additional costly upgrades, and thus will not be able to address reliability and market efficiency needs on equal footing with MISO transmission owners using the less onerous and less costly MTEP process.⁶⁴ Michigan Commission states that MISO's proposal will have an amplified impact in Michigan because most of its utilities do not own transmission assets.⁶⁵ Michigan Commission states that SATOAs owned by MISO transmission owners and NTAs owned by non-transmission owners should be considered on a comparable basis, as is required by MISO's Business Practice Manual (BPM).⁶⁶ Michigan Commission suggests that MISO could allow non-transmission owner storage projects to skip the GIP and connect to the transmission system using storage interconnection agreements or revise the MTEP process to add a more robust review of non-transmission owner storage projects as NTAs.⁶⁷ Public Interest Organizations suggest that MISO be required to remove any Tariff language restricting electric storage projects to consideration as NTAs and verify that its Tariff does not restrict transmission solutions to traditional "wires and poles" technologies.⁶⁸

⁶² Joint MISO Stakeholder Sector Participants Protest at 16.

⁶³ *Id.* at 19-20; EPSA Protest at 4; Michigan Commission Protest at 5 (all citing Order No. 841, 162 FERC ¶ 61,127 at P 20).

⁶⁴ Joint MISO Stakeholder Sector Participants Protest at 20-21.

⁶⁵ Michigan Commission Protest at 6-8.

⁶⁶ *Id.* at 9-10 (citing MISO Business Practice Manual, Transmission Planning, BPM-20-r21 § 4.3.1.2 (effective Jan. 1, 2020)).

⁶⁷ *Id.* at 11. Protesters contend that MISO ignored a stakeholder vote in which the planning advisory committee recommended that MISO allow NTA storage projects to bypass the generation interconnection queue when certain conditions are met. *See id.* at 12; Joint MISO Stakeholder Sector Participants Protest at 25-27; Public Interest Organizations Comments at 7-8.

⁶⁸ Public Interest Organizations Comments at 12-13.

29. Protesters contend that MISO's criteria for selection of a SATOA is too ambiguous.⁶⁹ For instance, they argue that MISO has not explained what will constitute "unique characteristics" that are necessary to meet transmission system requirements and that are not otherwise available at comparable prices from other proposed solutions. FirstLight states that all electric storage resources regardless of vintage, design, or designation provide transmission support, including voltage support and control, and real power output which can manage thermal line loading and possibly even enhance transmission system transfer capability.⁷⁰ FirstLight contends that it is not clear how MISO will determine uniqueness without unduly discriminating among electric storage resources. AMP contends that MISO has not provided a clear test to evaluate the equivalence of a SATOA project's overall performance versus that of a traditional wires project.⁷¹ AMP notes that the MTEP19 report referenced by MISO in its transmittal does not provide any clarity on how MISO would consider the "uniqueness" requirement – the report merely states that the proposed storage project will be automatically dispatched to control voltage and thermal violations following an N-1 event, and concludes that the fast discharge capability of the storage project makes it uniquely positioned to provide this post contingency solution.⁷²

30. Protesters also assert that MISO's proposal to select a storage facility in the MTEP only when there is a need to resolve the transmission issue through the storage facility's functioning as a SATOA, instead of as a resource that participates in the MISO markets, is too vague.⁷³ They state that MISO does not provide any details on how it would make this determination (e.g., what technical transmission support functions could not be supplied by an electric storage participating as a market resource). AMP points to the MTEP19 report referenced by MISO in its transmittal, and states that the report does not contain any explanation of why a market-based storage projects would be infeasible.⁷⁴ AMP asserts that MISO could select a SATOA over a market-based storage project solely because the market-based storage project must go through a lengthy queue process.⁷⁵ FirstLight opines that the justifying distinction could merely be that ineffective market design has not sent a

⁶⁹ FirstLight Protest at 9-10; AMP Protest at 8-13; GlidePath Protest at 4.

⁷⁰ FirstLight Protest at 10.

⁷¹ AMP Protest at 12.

⁷² *Id.* at 11.

⁷³ *Id.* at 6-8; FirstLight Protest at 9-11.

⁷⁴ AMP Protest at 7.

⁷⁵ *Id.* at 8.

strong enough locational signal for electric storage investment.⁷⁶ FirstLight argues that a SATOA should only be selected where an electric storage resource participating as a market resource at the same location could not technically meet the transmission issues.

31. Protesters assert that, while MISO's transmittal letter states that the SATOA owner is responsible for maintaining the necessary state of charge to serve its transmission function, the proposed Tariff language appears to put MISO in the role of maintaining the SATOA's state of charge.⁷⁷ They argue that this would undermine MISO's independence and would not meet the criteria established in *Western Grid*.

32. Protesters argue that, while MISO contends that a SATOA can only serve as a transmission asset, its filing appears to allow a MISO transmission owner to oversize its storage project and use the excess capacity to participate in the market (subject to the transmission owner proceeding through the generator interconnection queue for that extra capacity).⁷⁸ They state that this contradicts MISO's assertion that it is not currently entertaining dual use storage projects. GlidePath states that, because only the costs of the incremental capacity will be eliminated from the cost-based rate, the developer oversizing its facility would receive a free ride for general and administrative costs that will be needed to solve the transmission issue regardless of the additional capacity.⁷⁹ AMP also states that, while MISO asserts that cost recovery will be restricted to the cost of the maximum capacity needed to address the transmission issue, and cost recovery will be pro-rated, MISO has not addressed how the complicated prorating would be accomplished.⁸⁰ Additionally, AMP states that the filing does not delineate how specific sections of a dual use battery installation will be charged, discharged, and separately metered. AMP argues that MISO should be required to limit the size of any approved SATOA to the minimum size necessary to address the transmission issue identified in the MTEP.⁸¹

⁷⁶ FirstLight Protest at 11.

⁷⁷ *Id.* at 8-9; ESA Comments at 3.

⁷⁸ Invenergy Protest at 8-9; FirstLight Protest at 12; AMP Protest at 2-3; GlidePath Protest at 5.

⁷⁹ GlidePath Protest at 5-6.

⁸⁰ AMP Protest at 4.

⁸¹ *Id.* at 5.

33. Protesters also contend that MISO fails to address wholesale market impacts.⁸² Joint MISO Stakeholder Sector Participants contend that the SATOA will maintain the state of charge necessary to perform its transmission functions by charging and discharging in the MISO market, and that MISO has not addressed how the SATOA will impact energy prices, transmission capacity and congestion, injection and transmission capacity that generation has paid for via network upgrades (i.e., usurping capacity), other resources' opportunities to meet energy and ancillary services needs, or how injections/withdrawals will be modeled in interconnection queue studies.

34. Protesters take issue with MISO's proposal to test any impacts of the SATOA on newly-interconnecting resources in the generator interconnection queue and include the cost of any necessary mitigation in the evaluation of the proposed SATOA against other potential transmission solutions.⁸³ They assert that no details are provided on: (1) how MISO will test these impacts; (2) how mitigations in the MTEP are relevant to the impact on the queue; (3) how MISO will model the dispatch of the SATOA in Definitive Planning Phase (DPP) study models; (4) who will pay for any increased network upgrade costs; and (5) how MISO defines a "newly-interconnecting generation resource."

35. Joint MISO Stakeholder Sector Participants state that MISO must provide more information about what will be in the operating guides, as these operating guides will directly impact the rates, terms and conditions of Commission-jurisdictional markets.⁸⁴ Joint MISO Stakeholder Sector Participants also note that there are no penalties for operating outside of the bounds set by the operating guides. GlidePath contends that the operating guides create no meaningful barrier between market and transmission functions and give MISO undue discretion to provide parameters for the SATOA's operation.⁸⁵ GlidePath argues that MISO has not considered whether the SATOA by its nature violates the standards of conduct and does not acknowledge vertical market-power concerns for entities with market-based rates.

36. Invenergy states that MISO should have required that storage be systematically evaluated as an option to resolve generation interconnection impacts.⁸⁶ Invenergy argues

⁸² Joint MISO Stakeholder Sector Participants Protest at 22; FirstLight Protest at 8.

⁸³ Joint MISO Stakeholder Sector Participants Protest at 23-24; ESA Comments at 4; GlidePath Protest at 7.

⁸⁴ Joint MISO Stakeholder Sector Participants Protest at 25.

⁸⁵ GlidePath Protest at 8.

⁸⁶ Invenergy Protest at 7.

that, without this requirement, generators will be forced to fund network upgrades that might be more expensive and take more time to construct than a storage solution.

37. Invenenergy argues that the Commission should direct MISO to provide and implement a detailed schedule to accommodate storage resources providing transmission and market services by June 2022.⁸⁷ FirstLight contends that MISO should be required to remove Tariff language indicating that MISO will in the future allow storage resources to provide both transmission and market services, as this language inappropriately seeks to prejudice future Commission action on such a dual use proposal.⁸⁸

38. Joint MISO Stakeholder Sector Participants state that, if the SATOA proposal is not rejected, the Commission should condition its acceptance on MISO addressing the following issues: (1) NTA electric storage projects should be developed in the same manner as SATOA projects; (2) cross-subsidization could occur if an electric storage resource developed to address reliability concerns is called on under emergency conditions to address a transmission reliability issue that extends beyond the transmission pricing zone it operates in; (3) create rules assuring that MISO transmission owner projects do not circumvent the same dynamic study rigor that is required in the GIP; (4) protect against market price distortion from the SATOAs market activities; (5) provide details about operating guides; and (6) explain how MISO will study the SATOA in the MTEP and how that will be reflected in DPP studies so that there are no cost shifts.⁸⁹

39. ESA notes that MISO's filing represents the first attempt by an RTO to clarify rules and processes regarding the use of energy storage facilities to provide transmission-only service.⁹⁰ Given that the issues involved in the filing are complex, and that a Commission decision in this proceeding is likely to set precedent for other RTOs, ESA asks the Commission to open a separate docket and seek input from other RTOs/ISOs and stakeholders on these topics.⁹¹ ESA notes that it has developed a set of policy recommendations for storage-as-transmission in regional planning, including a recommendation that an RTO provide a pathway to storage-as-transmission cost recovery for entities that currently do not receive transmission cost recovery, an issue that MISO does not address in its proposal.

⁸⁷ *Id.* at 9.

⁸⁸ FirstLight Protest at 12-13.

⁸⁹ Joint MISO Stakeholder Sector Participants Protest at 28-30.

⁹⁰ ESA Comments at 2.

⁹¹ *Id.* at 2-3.

40. EPSA urges the Commission to make clear that a storage resource can be designated as either transmission resource or generation resource, but cannot be both at the same time or toggle back and forth.⁹² EPSA asserts that, because transmission rates cover costs and a return for storage assets acting as transmission, any additional revenues from other markets would make double-recovery inevitable.

C. Answers

41. MISO states that its proposal provides a robust framework for the review and approval of storage facilities as transmission assets in its regional transmission planning process.⁹³ MISO and MISO Transmission Owners argue that the proposal is consistent with *Western Grid* and the 2017 Policy Statement, which both indicate that a storage asset may serve a transmission function and be classified as a transmission asset.⁹⁴ MISO and MISO Transmission Owners assert that the proposal does not unfairly discriminate against market-based storage resources or non-transmission owner developers.⁹⁵ MISO and MISO Transmission Owners explain that a SATOA must meet any of the existing criteria for the applicable project category, and accordingly, the opportunity to build and construct SATOA will be no different than for a wires solution that falls into that same category. They argue that MISO's proposal merely extends to the SATOA the same project framework as applies to similar wires solutions in the same project category, and state that the Commission should reject collateral attacks on clearly established transmission project categories, which have not been changed in the proposal.⁹⁶

42. MISO argues that the comparison between SATOA as transmission and a storage facility as an NTA is inapposite – storage facilities as NTAs are evaluated the same as other NTAs, while storage facilities that qualify as transmission are compared to other transmission solutions.⁹⁷ MISO states that the MISO planning process does not preclude the evaluation of a storage facility as an option in the MTEP, even if that facility is not presented by a transmission owner. MISO explains that the MTEP identifies a preferred solution, and, if a SATOA is the preferred transmission solution, that SATOA may be included in the MTEP. MISO notes that the actual installation of the SATOA will be

⁹² *Id.* at 3, 5.

⁹³ MISO Answer at 4.

⁹⁴ *Id.* at 5-7; MISO Transmission Owners Answer at 7-8.

⁹⁵ MISO Answer at 7; MISO Transmission Owners Answer at 4.

⁹⁶ MISO Answer at 8; MISO Transmission Owners Answer at 4-5.

⁹⁷ MISO Answer at 10.

undertaken consistent with the MISO Tariff and Transmission Owners Agreement, and it is simply a matter of what project category the SATOA falls into if identified as the preferred solution. MISO states that the ownership and construction obligation attaches to the project category, not whether it is a storage facility.

43. MISO Transmission Owners similarly refute protesters' arguments that it is unjust and unreasonable to subject non-transmission owner storage projects that qualify as NTAs to a different set of rules and costs than transmission owner storage projects that qualify as SATOAs.⁹⁸ MISO Transmission Owners state that protesters fail to account for or address the obligations required of a resource designated as a transmission asset and functionally under MISO's control.⁹⁹ MISO Transmission Owners state that the different requirements to which proposed NTAs are subject are not mere procedural constraints that unduly discriminate against non-transmission owners, but that these requirements are designed to reflect the significant reliability and resiliency concerns inherent in constructing and operating assets designed exclusively to serve a transmission function. MISO Transmission Owners state that the filing makes no modification to the current process for NTAs to be evaluated in the MTEP and imposes no new burdens on non-transmission owners seeking to build storage projects to address transmission solutions.¹⁰⁰ MISO Transmission Owners note that, unlike transmission owners, who are obligated to build transmission facilities, developers of NTAs are under no obligation to construct; moreover, NTA projects evaluated in the GIP are not exclusively transmission projects that must satisfy the criteria required to be selected in one of the MTEP categories.¹⁰¹ MISO Transmission Owners contend that the requirement that an NTA be subject to the GIP is necessary to provide some assurance that the developer is committed to developing the project to address a reliability or other issue on the transmission system.

44. MISO states that the proposal includes clear criteria for the assessment and evaluation of SATOA, and that the framework for the evaluation of a SATOA is explicitly laid out in the stated provisions.¹⁰² MISO references the requirement that a SATOA must demonstrate that it is uniquely situated to address the particular need and must resolve the transmission issue by operating as a transmission asset and not a market resource.¹⁰³

⁹⁸ MISO Transmission Owners Answer at 8-9.

⁹⁹ *Id.* at 9.

¹⁰⁰ *Id.* at 9-10.

¹⁰¹ *Id.* at 10.

¹⁰² MISO Answer at 11.

¹⁰³ *Id.* at 12.

MISO also asserts that the proposed Tariff language outlines specific information for a SATOA to be reviewed in the planning process.

45. MISO argues that its proposal appropriately ensures that excess capacity is not included in the evaluation or approval of a SATOA.¹⁰⁴ MISO states that cost recovery is limited to the maximum capacity determined to be needed to address the transmission issue, and that cost recovery will be prorated on that basis if a SATOA of higher capacity is implemented. MISO also states that the issue of future market participation of excess capacity is beyond the scope of the proceeding, but notes that any portion of the SATOA proposed to operate in the market in the future will be required to go through the GIP in the same manner as any other market resource.¹⁰⁵

46. MISO states that additional clarity regarding the management of the state of charge for the storage facility is not needed.¹⁰⁶ MISO points out that the SATOA owner is responsible for managing the state of charge so that the SATOA is ready to perform when called upon. MISO states that charging and discharging to meet the transmission need is then done at the direction of MISO.

47. MISO disagrees with assertions that NTAs should be exempt from the GIP, which protesters propose as a fix for discriminatory treatment between transmission owner storage projects and non-transmission owner storage projects.¹⁰⁷ MISO argues that its proposal does not treat storage as transmission differently for a transmission owner or non-transmission owner – it treats all transmission similarly (i.e., transmission assets must all qualify as a specific MTEP project category and be subject to the requirements of that category).¹⁰⁸ Rather, MISO asserts that protesters are inappropriately proposing to treat storage facilities as NTAs differently than other non-storage NTAs. MISO states that, although a storage facility proposed as an NTA will be required to go through the GIP before connecting to the transmission system while a SATOA will not, the protesters do not address the fact that the SATOA is a transmission project, and transmission projects are not subject to the GIP under the Commission-approved MISO Tariff.

48. MISO contends that it appropriately explained how it will assess impacts to newly-interconnecting generation resources in the stakeholder process and in the proposed BPM

¹⁰⁴ *Id.* at 13.

¹⁰⁵ *Id.* at 13-14.

¹⁰⁶ *Id.* at 15.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.* at 16.

language.¹⁰⁹ MISO also argues that it does not need to address wholesale market impacts because the SATOA is a price-taker and will be operated only to address a specific transmission issue.¹¹⁰

49. MISO and MISO Transmission Owners contend that several issues raised by protesters are outside the scope of the proceeding, such as arguments about: (1) any future dual use operation; (2) MISO's proposal being inconsistent with Order No. 841; (3) unsupported assertions of gaming by transmission owners; and (4) issues related to the approval of the SATOA in MTEP19.¹¹¹

50. MISO notes that the proposal went through a robust stakeholder process, and that MISO duly considered all stakeholder comments and proposals.¹¹² MISO states that it will continue to evaluate the issues raised for storage as transmission and dual use of storage as both a transmission and market asset.¹¹³

51. Clean Energy Entities reiterate that MISO's proposal is unduly discriminatory and preferential because it proposes different treatment for similarly situated storage projects based solely on who owns the project, and they seek nondiscriminatory treatment for energy storage seeking to serve as an NTA in a transmission-only function.¹¹⁴ Clean Energy Entities contend that MISO did not give appropriate consideration to the stakeholders' proposals on the treatment of storage as an NTA during the stakeholder process.¹¹⁵ Clean Energy Entities assert that MISO's proposed criteria for the selection of SATOA require more detail as to comparability metrics, lifespan or lifecycle issues, duration, and impacts to queued and newly-interconnecting generators.¹¹⁶ Clean Energy Entities also state that MISO must provide further transparency on how it will ensure that

¹⁰⁹ *Id.* (citing proposed BPM-020).

¹¹⁰ *Id.* at 16-17.

¹¹¹ *Id.* at 18-19; MISO Transmission Owners Answer at 6, 12-13.

¹¹² MISO Answer at 20-24.

¹¹³ *Id.* at 24.

¹¹⁴ Clean Energy Entities Answer at 4-8, 11-13.

¹¹⁵ *Id.* at 16-18.

¹¹⁶ *Id.* at 9, 13-14.

SATOA's do not charge or discharge outside of established operating guidelines.¹¹⁷ Finally, Clean Energy Entities argue that MISO's proposal does not meet the standard set in *Western Grid* because MISO will soon propose to allow dual participation of storage projects as transmission and as market participants and because SATOA's will impact MISO's wholesale market.¹¹⁸

52. MISO responds that Clean Energy Entities confuse review of an NTA that can serve a market function with review and selection of a storage facility as a transmission only asset and reiterates that a project selected for inclusion as a SATOA in MTEP will not be eligible to participate in the markets.¹¹⁹ MISO also points out that a project selected as the preferred solution to a transmission issue in MTEP is subject to the construction obligations outlined in the Transmission Owners Agreement.¹²⁰ MISO also reiterates that its SATOA proposal is consistent with *Western Grid*.¹²¹ Finally, MISO notes that MISO and its stakeholders continue to review the framework for the application of storage facilities as transmission, as well as to serve other functions.¹²²

IV. Commission Determination

A. Procedural Issues

53. Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 the notices of intervention and timely, unopposed motions to intervene serve to make the entities that filed them parties to this proceeding. The entities that filed protests but did not file motions to intervene are not parties to the proceeding.¹²³

¹¹⁷ *Id.* at 9-10.

¹¹⁸ *Id.* at 18-19.

¹¹⁹ MISO Answer to Clean Energy Entities Answer at 5.

¹²⁰ *Id.* at 6.

¹²¹ *Id.* at 6-10.

¹²² *Id.* at 11.

¹²³ 18 C.F.R. § 385.211(a)(2) (2019). As part of Joint MISO Stakeholder Sector Participants' protest, Minnesota Department of Commerce, Citizens Against Rate Excess, Michigan Department of the Attorney General, Citizens Utility Board of Wisconsin, Michigan Board, Michigan Environmental Council, Savion, and National Hydropower Association filed protests but did not file motions to intervene.

54. Pursuant to Rule 214(d) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214(d) (2019), the Commission will grant the late-filed motions to intervene of Enel and Southern, given their interest in the proceeding, the early stage of the proceeding, and the absence of undue prejudice or delay.

55. Rule 213(a)(2) of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.213(a)(2) (2019), prohibits an answer to a protest or answer unless otherwise ordered by the decisional authority. We accept the answers filed because they have provided information that assisted us in our decision-making process.

B. Substantive Issues

56. Our preliminary analysis indicates that the proposed revisions to MISO's Tariff have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. We find that MISO's filing raises issues that cannot be resolved based on the record before us and are more appropriately addressed in a technical conference. Accordingly, we accept the proposed Tariff revisions for filing, suspend them for five months, to become effective on August 11, 2020, subject to refund, and direct Commission staff to hold a technical conference in this matter. Issues to be addressed include, but are not limited to, MISO's proposed evaluation and selection criteria for SATOAs, the SATOA's market activities and any potential wholesale market impacts of those activities, how MISO's current formula rate structure accommodates cost recovery for SATOAs, a SATOA's potential impact on the generator interconnection queue, and operating guides that will apply to a SATOA. Commission staff will include the details of the technical conference in a subsequent notice. Following the technical conference, parties will have an opportunity to file written comments that will be included in the formal record of the proceeding, which, together with the record developed to date, will form the basis for further Commission action.

The Commission orders:

(A) The proposed Tariff revisions are hereby accepted and suspended, to become effective August 11, 2020, subject to refund, and subject to further order by the Commission following a technical conference, as discussed in the body of this order.

(B) Commission staff is hereby directed to convene a technical conference to further explore the issues raised in this proceeding, as discussed in the body of this order.

By the Commission.

(S E A L)

Nathaniel J. Davis, Sr.,
Deputy Secretary.