

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

Industrial Energy Consumers of America,)
American Forest & Paper Association, R Street)
Institute, Glass Packaging Institute, Public Citizen,)
PJM Industrial Customer Coalition, Coalition of)
MISO Transmission Customers, Association of)
Businesses Advocating for Tariff Equity, Carolina)
Utility Customers Association, Inc., Pennsylvania)
Energy Consumer Alliance, Resale Power Group)
of Iowa, Wisconsin Industrial Energy Group,)
Multiple Intervenors (NY), Arkansas Electric)
Energy Consumers, Inc., Public Power)
Association of New Jersey, Oklahoma Industrial)
Energy Consumers, Large Energy Group of Iowa,)
Industrial Energy Consumers of Pennsylvania,)
Maryland Office of People's Counsel,)
Pennsylvania Office of Consumer Advocate,)
Consumer Advocate Division of the Public)
Service Commission of West Virginia, and)
Missouri Industrial Energy Consumers,)

Complainants

Docket No. EL25-44-000

v.)
Avista Corporation; Idaho Power Company)
MATL LLP; NorthWestern Corporation;)
PacifiCorp; Portland General)
Electric Company; Puget Sound Energy, Inc.;)
Duke Energy Florida, LLC; Florida Power &)
Light Company; Tampa Electric Company;)
Dominion Energy South Carolina, Inc.;)
Duke Energy Carolinas, LLC and Duke Energy)
Progress, Inc.; Louisville Gas and Electric)
Company and Kentucky Utilities Company;)
Southern Company Services Inc., as agent)
For Alabama Power Company, Georgia Power)
Company, Georgia Power Company and)
Mississippi Power Company; Arizona Public)
Service Company; Black Hills Power, Inc.;)
Black Hills Colorado Electric Utility Company,)
LP; Cheyenne Light, Fuel & Power Company;)
El Paso Electric Company, NV Energy, Inc.;)

Public Service Company of Colorado; Public)
Service Company of New Mexico; Tucson)
Electric Power Company; UNS Electric, Inc.;)
California Independent System Operator, Inc.;)
Southwest Power Pool, Inc.; PJM Interconnection,)
L.L.C.; Midcontinent Independent System Operator)
Inc.; New York Independent System Operator, Inc.;)
and Independent System Operator of New England)
Inc.,)
Respondents)

**MOTION OF THE EDISON ELECTRIC INSTITUTE
AND WIRES
FOR EXTENSION OF TIME TO SUBMIT COMMENTS
AND REQUEST FOR EXPEDITED TREATMENT**

Pursuant to Rule 212 of the Federal Energy Regulatory Commission’s (“Commission’s”) Rules of Practice and Procedure,¹ the Edison Electric Institute (“EEI”)² and WIRES³ (together, the “Joint Parties”) submit this Motion to Extend the Period for Filing Comments (“Motion”) in response to a complaint filed on December 19th in the above-referenced docket by the Industrial Energy Consumers of America, *et al.* (the “Complaint” and the “Complainants”).⁴ The Complaint was noticed by the Commission on December 20, 2024, with a comment deadline of February 3,

¹ 18 C.F.R. § 385.212 (2024).

² EEI is the association that represents all investor-owned electric companies in the United States. EEI members provide electricity for nearly 250 million Americans and operate in all 50 states and the District of Columbia. As a whole, the electric power industry supports more than seven million jobs in communities across the United States. EEI’s member companies own and operate generation, transmission, and distribution facilities in regions in all areas of the country. EEI members are united in their commitment to get the energy they provide as clean as they can, as fast as they can, while keeping reliability and affordability front and center, as always, for the customers and communities they serve.

³ WIRES is a non-profit trade association of investor-, publicly-, and cooperatively-owned transmission providers and developers, transmission customers, regional grid managers, and equipment and service companies. WIRES promotes investment in electric transmission and consumer and environmental benefits through development of electric transmission infrastructure. This filing is supported by the full supporting members of WIRES but does not necessarily reflect the views of the Regional Transmission Organization/Independent System Operator (“RTO/ISO”) members of WIRES. For more information about WIRES, please visit www.wiresgroup.com.

⁴ Complaint of Industrial Energy Consumers of America, *et al.* v. Avista Corporation, *et al.*, Docket No. EL25-44-000 (filed Dec. 19, 2024) (the “Complaint” and the “Complainants”).

2025.⁵ The Joint Parties each intervened in this proceeding on December 23, 2024.⁶ The Joint Parties request that the Commission: (1) extend the period for answers to, interventions in, comments on, and protests of the Complaint an additional 45 days from the February 3, 2025 date provided in the Notice to March 20, 2025; (2) grant expedited treatment of this Motion and a shortened comment period for this Motion; and (3) grant waiver of any other Commission Rules or regulations necessary for the Commission to grant the relief requested in this Motion.

I. COMMUNICATIONS

Please direct communications and correspondence concerning this Motion to:

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II. MOTION FOR EXTENSION OF COMMENT PERIOD

Pursuant to the Notice, comments in response to the Complaint are due on February 3, 2025. The Joint Parties seek a 45-day extension of the current deadline to file comments, from February 3, 2025, to March 20, 2025. Granting this extension of time will be in the public interest as any potential need for swift regulatory action is outweighed by the importance of developing a complete record prior to any potential Commission action.

In their filing, Complainants recognized that the upcoming holidays and breadth of the Complaint itself would warrant an extension of the comment period.⁷ In the Notice, the

⁵ Combined Notice of Filings #1, Docket Nos. ER24-2889-001, *et al.* (filed Dec. 20, 2024) (the “Notice”).

⁶ Motion to Intervene of Edison Electric Institute, Docket No. EL25-44-000 (filed Dec. 23, 2024); Motion to Intervene of WIRES, Docket No. EL25-44-000 (filed Dec. 23, 2024).

⁷ Complaint at 7.

Commission provided for a 45-day comment period, and the Joint Parties appreciate the Commission's flexibility and willingness to allow for additional time beyond the statutorily mandated 20-day comment period.⁸ However, for the reasons discussed below, the Joint Parties nonetheless believe that an additional 45 days is reasonable.

The Complaint was filed on December 19th, shortly before the holiday period. The practical reality is that respondents and other stakeholders will not be able to devote their full attention to the Complaint until the first full week of January. Under the deadline provided in the Notice, this effectively translates into a 4-week period for stakeholders to draft and finalize comments in response to the Complaint. This is not a sufficient period of time to submit an appropriate response to the Complaint, which is nearly 300 pages in length (with an additional 100-plus pages of attachments) and raises a myriad of complex issues. The Complaint references an array of studies and reports in support of its arguments, all of which much be reviewed and considered. The Complainants seek different elements of relief, which implicate a variety of subjects – including local and regional transmission planning processes, a proposed new entity (the “Independent Transmission Planner”), and changes to governance and voting processes, among others. Complainants have clearly devoted significant time and resources to develop the Complaint, and fairness dictates that interested parties have sufficient time to review their arguments and prepare an ample response.

The Complaint seeks relief against the local planning tariffs of *all FERC-jurisdictional public utilities* in the United States and the Regional Transmission Organizations/Independent System Operators to which some of these utilities are members. The Complainants ask the Commission to comprehensively require all necessary revisions to all FERC-jurisdictional

⁸ 18 CFR § 385.206(f).

tariffs, including revisions to the *pro forma* Open Access Transmission Tariff. The scope and scale of the Complaint is national. Furthermore, the jurisdictional utilities named in the Complaint are in the midst of compliance processes to meet the requirements of Order No 1920.⁹ Responding to the Complaint may well disrupt those processes, more so if those utilities must divert time and attention to meet an insufficiently short response due date.

Finally, the extension of time requested herein is similar to extension requests that the Commission has granted recently.¹⁰ Notably, the complaints involved in these recent approvals for additional time are far more limited than the present Complaint in their scope, scale, and number of parties involved. Given this precedent and the issues described above, it is reasonable for the Commission to grant Joint Parties' request for an additional 45 days to file comments in response to the Complaint. The extension will also help provide the Commission with a robust record prior to considering what further action is appropriate.

III. REQUEST FOR EXPEDITED TREATMENT

The Joint Parties respectfully request that the Commission act on this Motion by no later than December 27, 2024, and in doing so, make a reduction in the comment period for the filing of answers to this Motion to reflect this request for expedited treatment. The Joint Parties request the Commission allow for a three-day period for answers to this Motion¹¹ to ensure that the Commission can act on this motion within the time requested. Joint Parties further request waiver of any Commission Rules or regulations necessary for the Commission to grant this

⁹ *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, 187 FERC ¶ 61,068 (2024) ("Order No. 1920").

¹⁰ *See, e.g.*, Notice of Extension of Time, Docket No. EL25-18-000 (issued Dec. 3, 2024) (granting a 45-day extension of time for comments in response to a complaint for reasons including staffing restrictions over a holiday period); Notice of Extension of Time, Docket No. EL25-37-000 (issued Dec. 20, 2024) (granting a 30-day extension of time for comments in response to a complaint, given complexity of the issues involved and proximity to the holiday season).

¹¹ 18 C.F.R. § 385.213(d).

Motion. If the Commission is not inclined to grant the extension, interested parties need certainty in this regard as soon as possible so that they can plan accordingly.

IV. CONCLUSION

WHEREFORE, for the foregoing reasons, the Joint Parties respectfully request that the Commission grant this Motion to provide for an additional 45 days to file comments in this docket, until March 20, 2025.

Respectfully submitted,

/s/ Kevin Huyler

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December 23, 2024

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding. Dated at Washington, D.C. this 23rd day of December 2024.

/s/ Christopher M. Randall

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