

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

))
Southwest Power Pool, Inc.) **Docket No. ER24-2953-000**
))

**MOTION OF PUBLIC INTEREST ORGANIZATIONS
TO CONSOLIDATE PROCEEDINGS**

Pursuant to Rule 212¹ of the Commission’s Rules of Practice and Procedure Public Interest Organizations (“PIOs”)² respectfully move to consolidate the above captioned docket with the pending proceedings addressing SPP’s capacity accreditation methodologies – specifically, Docket Nos. ER24-1317³ and EL24-96.⁴

I. BACKGROUND

SPP’s current capacity accreditation methodologies use an Installed Capacity (“ICAP”) methodology to accredit thermal units; and a different methodology that calculates accreditation for wind and solar resources based on those units’ performance during designated peak load hours. The first methodology does not account for any type of outages among the thermal fleet.

Pursuant to Section 205 of the Federal Power Act (“FPA”), SPP filed major revisions to its resource accreditation methodologies with the Commission on

¹ 18 C.F.R. 385.212.

² Sierra Club, Natural Resources Defense Council, and the Sustainable FERC Project.

³ *Southwest Power Pool, Inc., Submission of Tariff Revisions to Implement Effective Load Carrying Capability Methodology and Performance Based Accreditation*, Docket No. ER24-1317-000 (February 23, 2024) (“February Tariff Filing”).

⁴ *Southwest Power Pool, Inc., Submission of Tariff Revisions Regarding Fuel Assurance*, Docket No. ER24-2953-000 (September 3, 2024) (“September Tariff Filing”).

February 23, 2024 (Docket No. ER24-1317).⁵ Specifically, SPP proposed revisions to Attachment AA of the SPP Open Access Transmission Tariff (“Tariff”) to implement: (1) an Effective Load Carrying Capability (“ELCC”) accreditation methodology for wind resources, solar resources, and electric storage resources (“ESRs”); and (2) a performance-based accreditation (“PBA”) methodology for thermal and other conventional resources.⁶ Public Interest Organizations filed a Protest to these proposed revisions on March 29, 2024.⁷

Simultaneous with the Protest in Docket No ER24-1317, Public Interest Organizations also filed a Section 206 Complaint, which requested “that the Commission find that SPP’s existing Tariff Provisions and planning criteria protocols governing its accreditation rules for both thermal and renewable resources are unjust, unreasonable, and unduly discriminatory and preferential pursuant to the FPA.”⁸

Five months later, on September 3, 2024, SPP filed a second series of proposed revisions to its resource accreditation methodology (Docket No. ER24-2953), which is contingent upon the Commission first accepting SPP’s February Tariff Filing.⁹ Here, SPP proposes to “to incorporate an ‘after-the-fact’ adjustment to

⁵ See generally February Tariff Filing.

⁶ *Id.* at 1.

⁷ *Protest of Public Interest Organizations to Southwest Power Pool’s Proposed Accreditation Methodologies for Thermal and Renewable Generators*, Docket No. ER24-1317 (filed March 29, 2024).

⁸ *Sierra Club; Natural Resources Defense Council; and Sustainable FERC Project v. Southwest Power Pool*, Docket No. EL24-96-000 (filed March 29, 2024), at 1.

⁹ September Tariff Filing at 1, 24-25.

a Resource's PBA accreditation based on their availability during the highest risk hours for the SPP BAA in the Winter Season."¹⁰ Public Interest Organizations filed a Protest to these proposed revisions on September 24, 2024.¹¹

II. ARGUMENT

Consistent with Commission precedent, the Commission should consolidate the above-captioned docket with Docket Nos. ER24-1317 and EL24-96 because they each involve the same core legal and factual issues.

It is the Commission's practice to consolidate proceedings that raise "common issues of law and fact," and would result in greater "administrative efficiency."¹² While the Commission "generally considers consolidation only when a trial-type evidentiary hearing is instituted,"¹³ the Commission has specifically recognized that consolidation of Section 205 and Section 206 proceedings involving the same rates and same cost of service can be appropriate.¹⁴

¹⁰ September Tariff Filing at 12.

¹¹ *Protest of the Public Interest Organizations to Southwest Power Pool's Section 205 Filing*, Docket No. ER24-2953 (filed September 24, 2024).

¹² *See, e.g., Southern California Edison Co. v. Enron Generating Facilities*, 101 FERC ¶ 61,313 (2002); *Phillips Petroleum Co., et al.*, 102 FERC ¶ 61,137 (2003); *Southwest Power Pool, Inc.*, 125 FERC ¶ 61,001, at P 25 (2008) (consolidating proceedings because of common issues of fact and law).

¹³ *Black Hills Colo. Elec., LLC*, 182 FERC ¶ 61,162, at P 64 (2023).

¹⁴ *Utah Power & Light Co.*, 23 FERC ¶ 61,287, at p. 61,597 (1983); *see also PJM Interconnection, L.L.C.*, 108 FERC ¶ 61,317, at P 36 (2004) (consolidating a Section 206 proceeding with an on-going Section 205 hearing in another docket); *Duke Energy Corp.*, 136 FERC ¶ 61,245, at P 33 (2011); *Cities of Anaheim v. Trans Bay Cable L.L.C.*, 146 FERC ¶ 61,100 at P 19 n.19 (2014); *California Pub. Util. Comm., et al. v. Pacific Gas and Elec. Co.*, 163 FERC ¶ 61,113 at P 23 (2018).

Here, all three of the proceedings described above substantively involve the same factual, legal, and policy considerations. These proceedings all implicate a complete overhaul of SPP's resource accreditation methodologies for all classes of resources. The interrelatedness of these proceedings is illuminated by the fact that each of the three dockets require revisions to many of the same overlapping tariff provisions. For example, *all three* dockets would require revisions to, at least, the following SPP Tariff sections: Section 2.0, Section 7.3(1), Section 7.5(1), Section 9.0(3)(a)(iii), Section 9.0(3)(b)(i), Section 9.0(3)(b)(ii), Section 15.1(1), Section 15.2, and Section 15.3.

This interrelatedness is also highlighted by the way in which SPP conditioned its proposal in ER24-2953 on approval of its proposal in ER24-1317. In fact, the methodology for calculation of the accreditation value that is used for non-ELCC accredited resources in ER24-1317 is *changed* from a form of EFORD to a hybrid EFORD and EFOF method in ER24-2953. The result is a modification of its original proposal. Moreover, PIOs have made clear that resolution of EL24-96 may supersede the Commission's consideration of SPP's other proposals.

Many of the same legal arguments involving the justness and reasonableness of the proposals, including whether they are, or are not, unduly discriminatory, apply across all the three dockets. While the Commission generally approves consolidation in trial-type evidentiary hearings, this is a unique proceeding involving three inextricably intertwined proceedings that would benefit from being

resolved together.¹⁵ Considering that each of the dockets involve the same tariff provisions and the same legal issues, consolidation will facilitate the creation of a single, comprehensive record, avoid the creation of additional duplicative submissions to the Commission, and effect a more expeditious resolution of the issues.

III. CONCLUSION

For the reasons stated above, Public Interest Organizations request that the Commission **GRANT** the motion and consolidate the following proceedings: ER24-1317, EL24-96, and ER24-2953.

Dated: October 28, 2024.

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¹⁵ See *PJM Interconnection, L.L.C.*, 171 FERC ¶ 61,015, at PP 1-2 (2020) (where the Commission initiated a paper hearing and consolidated a Section 206 and Section 205 proceeding involving the methodologies used to determine the capability of Capacity Storage Resources).

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this filing has been served this day upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated: October 28, 2024.

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