NOT YET SCHEDULED FOR ORAL ARGUMENT
No. 25-1264 (Consolidated with 25-1266)

In the United States Court of Appeals for the District of Columbia Circuit

CLEAN WISCONSIN, ET AL.,
PETITIONERS

v.

FEDERAL ENERGY REGULATORY COMMISSION,
RESPONDENT

ON PETITION FOR REVIEW OF FINAL ORDERS OF THE FEDERAL ENERGY REGULATORY COMMISSION

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TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES iii

PERTINENT STATUTORY PROVISIONS vii

GLOSSARY viii

SUMMARY OF ARGUMENT 1

STANDING 2

I. Associations' Standing 3

A. The Associations' Members' Economic Harm from ERAS Is Concrete, Particularized, and Actual or Imminent. 3

B. The Associations' Members Are Also Harmed Because They Are Deprived of an Equal Opportunity to Compete for ERAS. 6

II. Public Interest Petitioners' Standing 8

A. FERC's Decision to Allocate New Types of Costs Directly to Consumers Is a Non-Speculative Harm to Public Interest Petitioners. 8

B. ERAS' Discriminatory and Inefficient Buildout of the Transmission System Will Drive Up Costs for Consumers. 11

ARGUMENT 13

I. FERC Failed to Justify the Unduly Discriminatory and Preferential ERAS Program. 13

A. FERC Ignored the Unduly Discriminatory and Preferential Nature of ERAS and Misapplied the Statutory Standard by Interpreting It as a Balancing Test. 14

1. FERC Admits That It Did Not Address Petitioners' Undue Discrimination Argument and Did Not Apply the Correct Legal Standard for Analyzing Undue Discrimination 15

2. FERC's Finding of a Low Risk of Undue Discrimination Was Arbitrary and Capricious. 19

B. FERC Impermissibly Subdelegated Its Authority to Retail Authorities. 23

C. FERC Failed to Justify the Undue Advantage ERAS Projects Receive Through Preferential Modeling. 25

II. FERC Failed to Justify How ERAS Is Narrowly Tailored and Consistent with the Reasoning of Its Prior Order. 29

A. FERC Did Not Substantiate Its Decision to Approve ERAS' Cap Size or Its Shifting Treatment of Excessive Resources. 30

B. FERC Fails to Justify Allowing Longer-Term Projects in ERAS. 33

CONCLUSION 35

CERTIFICATE OF COMPLIANCE 37

CERTIFICATE OF SERVICE 38

TABLE OF AUTHORITIES

Page(s)

CASES

Advanced Energy United v. FERC,
___ F.4th ___, No. 23-1282, 2026 WL 2211250
(D.C. Cir. July 31, 2026) 3, 8, 9, 14

Am. Fuel & Petrochem. Mfrs. v. EPA,
937 F.3d 559 (D.C. Cir. 2019) 9

Arpaio v. Obama,
797 F.3d 11 (D.C. Cir. 2015) 7

Babbitt v. United Farm Workers Nat'l Union,
442 U.S. 289 (1979) 11

Carpenters Indus. Council v. Zinke,
854 F.3d 1 (D.C. Cir. 2017) 7

Competitive Enter. Inst. v. FCC,
970 F.3d 372 (D.C. Cir. 2020) 10

Dep't of Commerce v. New York,
588 U.S. 752 (2019) 10

El Paso Elec. Co. v. FERC,
76 F.4th 352 (5th Cir. 2023) 18

FCC v. Fox Television Stations, Inc.,
556 U.S. 502 (2009) 18, 29, 30

Fed'n of Gov't Emps. v. FLRA,
470 F.3d 375 (D.C. Cir. 2006) 34

La. Pub. Serv. Comm'n v. FERC,
761 F.3d 540 (5th Cir. 2014) 24, 25

Loper Bright Enters. v. Raimondo,
603 U.S. 369 (2024) 19

Motor Vehicle Mfrs. Assoc. of the U.S., Inc. v. State Farm Mut. Auto. Ins. Co.,
463 U.S. 29 (1983) 33

N.Y. Republican State Comm. v. SEC,
927 F.3d 499 (D.C. Cir. 2019) 11

Ne. Fla. Chapter of Associated Gen. Contractors of Am. v. City of Jacksonville,
508 U.S. 656 (1993) 7

New Eng. Power Generators Ass'n v. FERC,
881 F.3d 202 (D.C. Cir. 2018) 28

New York v. FERC,
535 U.S. 1 (2002) 7, 13, 18

NextEra Energy Res., LLC v. FERC,
898 F.3d 14 (D.C. Cir. 2018) 20

Parker v. District of Columbia,
478 F.3d 370 (D.C. Cir. 2007) 3

SEC v. Chenery Corp.,
318 U.S. 80 (1943) 16

Sierra Club v. U.S. Dep't of Energy,
107 F.4th 1012 (D.C. Cir. 2024) 3

Tex. Off. of Pub. Util. Couns. v. FCC,
265 F.3d 313 (5th Cir. 2001) 24

Transmission Access Policy Study Grp. v. FERC,
225 F.3d 667 (D.C. Cir. 2000) (per curiam) 6

Transmission Agency of N. Cal. v. FERC,
628 F.3d 538 (D.C. Cir. 2010) 16

U.S. Telecom Ass'n v. FCC,
359 F.3d 554 (D.C. Cir. 2004) 24

Union of Concerned Scientists v. U.S. Dep't of Energy,
998 F.3d 926 (D.C. Cir. 2021) 8

Xcel Energy Servs. Inc. v. FERC,
815 F.3d 947, 952 (D.C. Cir. 2016) 32

Xcel Energy Servs., Inc. v. FERC,
41 F.4th 548 (D.C. Cir. 2022) 6, 18, 34

STATUTES

5 U.S.C. § 706 ..... 16, 20

16 U.S.C. § 824 13

16 U.S.C. § 824d 17, 18, 20

16 U.S.C. § 824e 24, 25

16 U.S.C. § 825*l* 11

ADMINISTRATIVE DECISIONS

Improvements to Generator Interconnection Procs. & Agreements, Order No. 2023,
184 FERC ¶ 61,054 (2023) 4, 9, 32

Bldg. for the Future Through Elec. Reg'l Transmission Plan. & Cost Allocation, Order No. 1920,
187 FERC ¶ 61,068 (2024) 5, 12

Midcontinent Indep. Sys. Operator, Inc.,
191 FERC ¶ 61,131 (2025) 29, 30, 35

Midcontinent Indep. Sys. Operator, Inc.,
192 FERC ¶ 61,064 (2025) 15, 23, 27, 31, 34

Midcontinent Indep. Sys. Operator, Inc.,
194 FERC ¶ 61,050 (2026) 10, 27, 33, 34, 35

Standardization of Generator Interconnection Agreements & Procs., Order No. 2003, 104 FERC ¶ 61,103 (2003) 16

Sw. Power Pool, Inc., 175 FERC ¶ 61,198 (2021) 22

PERTINENT STATUTORY PROVISIONS

All applicable statutes are contained in the Addendum attached to the Opening Brief of Petitioners.

GLOSSARY

APA	Administrative Procedure Act, 5 U.S.C. § 706
Associations	Collectively, Advanced Energy United, American Clean Power Association, Clean Grid Alliance, and Solar Energy Industries Association; in Respondent's Brief, "Industry Group Petitioners"; in Intervenors' Brief, "Clean Energy Petitioners"
Denial Order	*Midcontinent Independent System Operator, Inc.*, Notice of Denial of Rehearing by Operation of Law and Providing for Further Consideration, 192 FERC ¶ 62,185 (2025)
EPA	Environmental Protection Agency
ERAS	Expedited Resource Addition Study; in Respondent's Brief, "Expedited Resource Initiative" or "Initiative"
FERC	Federal Energy Regulatory Commission; in Respondent's Brief, "Commission"
FERC Br.	Brief of Respondent Federal Energy Regulatory Commission
Initial ERAS Order	*Midcontinent Independent System Operator, Inc.*, 191 FERC ¶ 61,131 (2025); in Respondent's Brief, "Initial Order"

Int. Br.	Joint Brief of Intervenors Entergy Services, LLC, Entergy Arkansas, LLC, Entergy Louisiana, LLC, Entergy Mississippi, LLC, Entergy New Orleans, LLC, Entergy Texas, Inc., Louisiana Public Service Commission, Mississippi Public Service Commission, Midcontinent Independent System Operator, Inc., and MISO Transmission Owners in Support of Respondent
JA	Page number in the Joint Appendix (deferred)
Mindham Decl.	Declaration of David Mindham on Behalf of EDP Renewables North America, LLC
Mindham Suppl. Decl.	Supplemental Declaration of David Mindham on Behalf of EDP Renewables North America, LLC
MISO	Midcontinent Independent System Operator, Inc.; in Respondent and Intervenors' Briefs, "Midcontinent"
Order	*Midcontinent Independent System Operator, Inc.*, 192 FERC ¶ 61,064 (2025); in Respondent's Brief, "Decisional Order"; in Intervenors' Brief, "ERAS Order"
Orders	Collectively, the Order, Denial Order, and Rehearing Order
P	Paragraph number in a FERC order
Pet. Br.	Opening Brief of Petitioners

Petitioners	Collectively, Advanced Energy United, American Clean Power Association, Clean Grid Alliance, Solar Energy Industries Association, Clean Wisconsin, Natural Resources Defense Council, and Sierra Club
PJM	PJM Interconnection, L.L.C.
Public Interest Petitioners	Collectively, Clean Wisconsin, Natural Resources Defense Council, and Sierra Club; in Respondent's Brief, "Environmental Group Petitioners"; in Intervenors' Brief, "Environmental Petitioners"
R-ADD	Page number in Reply Addendum
R.	Entry number in the Certified Index to the Record
Rehearing Order	*Midcontinent Independent System Operator, Inc.*, 194 FERC ¶ 61,050 (2026)
Retail Authorities	Relevant Electric Retail Regulatory Authorities; in Respondent's Brief, "Regulatory Authorities"
Standard Interconnection Process	MISO's cluster-based interconnection study process for resources interconnecting to the MISO transmission system; in administrative record, "Definitive Planning Process or DPP"; in Respondent's Brief, "traditional queue" process
Tariff	Open Access Transmission, Energy and Operating Reserve Markets Tariff of the Midcontinent Independent System Operator, Inc.

SUMMARY OF ARGUMENT

The Expedited Resource Addition Study ("ERAS") gives state agencies and municipal and cooperative utilities (together, "Retail Authorities") the ability to have their preferred generation projects cut to the front of a long line of similarly situated projects seeking connections to the interstate transmission grid. FERC accepted ERAS even though that line-cutting authority is unduly discriminatory and preferential and is not narrowly tailored to meet the purported need it was intended to address. Pet. Br. 32-70.

FERC and Intervenor-Respondents' Briefs confirm that conclusion. FERC's undue discrimination analysis does not apply the relevant legal standard and instead creates a novel balancing test inconsistent with the Federal Power Act. FERC's factual findings under that novel standard contradict the administrative record and do not constitute reasoned decision-making. What is more, FERC's justification for subdelegating its duty to prevent undue discrimination to Retail Authorities contravenes circuit precedent. And, last but not least, FERC's approval of ERAS cannot be squared with its rejection of the first ERAS proposal. Although FERC beseeches the Court for deference, the defects outlined above are

fatal and not the sort that can be waived away through deference to agency expertise.

That does not mean that FERC is powerless to address unexpected, near-term resource needs. Petitioners agree that it can. But the prohibition on undue discrimination is categorical and cannot be balanced away under the Federal Power Act or Administrative Procedure Act ("APA"), and the scope of actions to address any needs must be narrowly tailored. Because the Orders violate those bedrock principles, Petitioners request that the Orders be vacated.

STANDING

FERC and Intervenors argue that both the Associations' and Public Interest Petitioners' harms are speculative. But the record demonstrates that ERAS harms each Petitioner's members because it creates two types of cost shifts from ERAS developers to other interconnection customers and to ratepayers. Pet. Br. 22-23, 25-27. Those harms are concrete, particularized, and actual or imminent.

I. Associations' Standing

A. The Associations' Members' Economic Harm from ERAS Is Concrete, Particularized, and Actual or Imminent.

The record confirms that the Associations' members have projects in the standard interconnection queue that will be negatively affected by ERAS, and that the harm is concrete, particularized, and actual or imminent. FERC's argument to the contrary contradicts the record and puts the cart before the horse because it conflates standing and the merits. *Parker v. District of Columbia*, 478 F.3d 370, 377 (D.C. Cir. 2007).

FERC's assertion that "the Group's members [do not] have generator projects in the [standard] interconnection queue that will compete with [ERAS] projects for system headroom" (FERC Br. 22) is incorrect. Members do have such projects. *See* Pet. Br. 22 (citing Mindham Decl. ¶ 6, ADD-020). As a result, the Associations' standing is "patently obvious and irrefutable." *Sierra Club v. U.S. Dep't of Energy*, 107 F.4th 1012, 1015 (D.C. Cir. 2024) (citation omitted). But to "flesh[] out" this "timely raised theory," *id.*, Petitioners submit an additional affidavit outlining a member's projects in the 2025 standard queue cluster. *See* Mindham Suppl. Decl. ¶¶ 8-9, R-ADD-004. *See also Advanced*

Energy United v. FERC, ___ F.4th ___, No. 23-1282, 2026 WL 2211250, at *7 (D.C. Cir. July 31, 2026) (allowing supplemental affidavit).

FERC's claim that this economic harm is speculative likewise contradicts the record and basic physics. As explained in Petitioners' Opening Brief, *e.g.*, Pet. Br. 2, 22, "headroom" on the transmission system is allocated to whichever projects are studied first. Because ERAS projects *jump the queue*, they use existing system capacity, leaving non-ERAS projects footing the bill for the additional capacity that later-studied projects require. *See Improvements to Generator Interconnection Procs. & Agreements*, Order No. 2023, 184 FERC ¶ 61,054, at P 41 (2023).

FERC's argument that ERAS will not increase costs for non-ERAS projects focuses on only one cluster, contradicting its admission elsewhere that other clusters will be affected. As FERC explained, MISO will not account for ERAS projects when studying the 2023 standard cluster, so the latter projects will not incur additional upgrade costs. FERC Br. 23. But "unlike [cluster] 2023," all subsequent clusters in the standard queue—including cluster 2025—will "account for" ERAS projects. *See* FERC Br. 24-25. But for the Orders, ERAS projects would have been in the 2025 cluster at earliest. That means that the headroom

taken by ERAS projects will not be available for projects in the 2025 cluster and beyond.[1] In turn, those projects will need to pay for more network upgrades because of ERAS. Paying for those additional upgrades represents a concrete and imminent economic harm to Associations' members with projects in the 2025 cluster. Mindham Suppl. Decl. ¶¶ 6-9, R-ADD-003-004.

FERC's speculation that ERAS might create headroom for non-ERAS projects is unsupported. FERC Br. 24. Network upgrades identified for an ERAS project will be designed to meet the needs of that project, not to create system headroom for other projects. *See Bldg. for the Future Through Elec. Reg'l Transmission Plan. & Cost Allocation*, Order No. 1920, 187 FERC ¶ 61,068, at P 106 (2024) (explaining that the generator interconnection process does not address transmission needs beyond the discrete request being studied). FERC's speculation to the contrary is inconsistent with its own policies and insufficient to negate Associations' standing. *Infra* Argument Section I.C.

[1] Indeed, some ERAS projects have been assigned zero network upgrades, Int. Br. at 16, a rare occurrence, demonstrating this headroom benefit.

B. The Associations' Members Are Also Harmed Because They Are Deprived of an Equal Opportunity to Compete for ERAS.

The Associations' members also suffer prototypical Article III harm because they are unduly discriminated against in the ERAS selection process.

First, counter to FERC's assertion (FERC Br. at 27), Association members are "able and ready" to apply for ERAS slots. *See* Mindham Suppl. Decl. ¶ 10, R-ADD-004-005.

Second, members' projects cannot compete on equal footing because the ERAS rules disadvantage them in several ways, including unequal access to Retail Authority verification. *Id.*; Pet. Br. 23; Mindham Decl. ¶ 7, ADD-020. FERC's argument otherwise depends on the fiction that generation-owning Retail Authorities would not favor themselves. But that fiction flouts the "canonical economic principle" that generation-owning utilities favor their own generation. That principle is so well-established that FERC is "not obliged to show actual evidence to support a determination of potential discrimination." *Xcel Energy Servs., Inc. v. FERC*, 41 F.4th 548, 561-62 (D.C. Cir. 2022) (citation omitted); *see also*, *e.g.*, *Transmission Access Policy Study Grp. v. FERC*, 225 F.3d 667, 684

(D.C. Cir. 2000) (per curiam), *aff'd sub nom. New York v. FERC*, 535 U.S. 1 (2002). That economic principle represents precisely the type of harm supported by "[c]ommon sense and basic economics" that conveys standing. *Carpenters Indus. Council v. Zinke*, 854 F.3d 1, 6 (D.C. Cir. 2017).

FERC's contrary arguments miss the mark, including its reliance on *Arpaio*. Unlike *Arpaio*, ERAS involves no "unduly speculative" chain of inferences about indirect effects of the policies at issue. *Arpaio v. Obama*, 797 F.3d 11, 14-15 (D.C. Cir. 2015). Rather, ERAS directly establishes an uneven playing field that is inconsistent with bedrock economic principles, constituting quintessential Article III harm. *See Ne. Fla. Chapter of Associated Gen. Contractors of Am. v. City of Jacksonville*, 508 U.S. 656, 666 (1993) (explaining that the "inability to compete on an equal footing in the bidding process" constituted injury-in-fact regardless of whether the applicant showed "that he would have obtained the benefit but for the barrier").

II. Public Interest Petitioners' Standing

A. FERC's Decision to Allocate New Types of Costs Directly to Consumers Is a Non-Speculative Harm to Public Interest Petitioners.

Public Interest Petitioners show a "substantial risk" that their members will be harmed, satisfying the test for associational standing. *Union of Concerned Scientists v. U.S. Dep't of Energy*, 998 F.3d 926, 929 (D.C. Cir. 2021) (citation omitted). FERC concedes that double allocation of transmission headroom is an injury that "would ... be borne" by ratepayers. FERC Br. 29. Yet Respondents contend that the likelihood of such harm to Petitioners' members is speculative, based on too-attenuated third-party actions. FERC Br. 29-30, 37; Int. Br. 14-15. But Public Interest Petitioners established the predictable effect of ERAS projects near their members, demonstrating causation under recent caselaw from this Court and well-established standing principles. Pet. Br. 24-27.

This Court's recent decision in *Advanced Energy United v. FERC*, No. 23-1282, 2026 WL 2211250 (D.C. Cir. July 31, 2026), undercuts Respondents' argument. There, this Court found standing where the injury was far less certain, based on broad allegations of "renewed interconnection [queue] delays" resulting from the potential repeal of a

not-yet-implemented rule that could expose retail ratepayers to "higher electricity costs." *Id.* at *9. Here, the causation chain is more direct and the declarations more specific. The FERC order in *Advanced Energy* required utilities to file additional tariff provisions for FERC approval, while the ERAS tariff is complete. There, consumer cost increases resulted from inefficient interconnection generally; here, consumers' costs will increase not just from inefficient interconnection generally,[2] but also from the direct assignment of double allocation upgrade costs. And declarants demonstrate a clear "geographic nexus with areas *likely affected*" by ERAS' double allocation, connecting them to where higher transmission costs will most likely materialize. *See Am. Fuel & Petrochem. Mfrs. v. EPA*, 937 F.3d 559, 595 (D.C. Cir. 2019) (emphasis added).

Increasingly scarce grid capacity further elevates the likelihood of double allocation, Order No. 2023, 184 FERC ¶ 61,054 at P 41, which FERC tacitly acknowledges. *See* FERC Br. 30 ("Overallocation is not a

[2] Though like in *Advanced Energy*, ERAS' anti-competitive barriers to new generation will raise prices, undercutting FERC's aside (FERC Br. 36 n.5) that Public Interest Petitioners are not harmed by unduly discriminatory rates.

risk limited to [ERAS] projects."). Additionally, the unnecessarily large caps on the number and size of ERAS projects increase the magnitude and likelihood of harm—each of the sixty-eight projects risks individual double allocation issues and adds cumulative grid strain that must be addressed with costly upgrades. Pet. Br. 22, 52-56. FERC's contention that double allocation would be "rare" is entirely speculative and unexplained. *See* FERC Br. 30.

Third parties' role in ERAS does not undercut causation, *contra* Int. Br. 15. The costs ERAS inflicts on consumers result from the rigid modeling assumptions built into interconnection studies and cost allocations approved by FERC, which may not be modified by anyone absent FERC approval. *See* Rehearing Order at PP 86, 88; JA___-__(R.121_62-64). That MISO conducts the studies on projects submitted to ERAS is irrelevant because standing may rely "on the predictable effect of Government action on the decisions of third parties." *Competitive Enter. Inst. v. FCC*, 970 F.3d 372, 381 (D.C. Cir. 2020) (quoting *Dep't of Commerce v. New York*, 588 U.S. 752, 768 (2019)).

Lastly, Respondents would create an unprecedented and unreasonably high bar for standing. Standing "does not require certainty"

of the impending injury, *N.Y. Republican State Comm. v. SEC*, 927 F.3d 499, 504 (D.C. Cir. 2019). The only proof that would meet Respondents' demands comes from studies that MISO's engineers conduct annually in MISO's transmission expansion process. If justiciability were delayed until that point, review of these orders would be impossible under the Federal Power Act. *See* 16 U.S.C. § 825*l* (requiring parties to seek judicial review within sixty days of a Commission rehearing order). Petitioners need not "await the consummation of [a] threatened injury to obtain … relief." *Babbitt v. United Farm Workers Nat'l Union*, 442 U.S. 289, 298 (1979).

B. ERAS' Discriminatory and Inefficient Buildout of the Transmission System Will Drive Up Costs for Consumers.

ERAS creates two different upgrade study pathways that are not coordinated to ensure efficient grid upgrade build-out. FERC's key findings in its major transmission rulemaking, together with predictable engineering principles, confirm that piecemealing of upgrades due to ERAS will increase consumer costs, harming Public Interest Petitioners' members. Pet. Br. 27. FERC's scant responses are unconvincing.

FERC urges the Court to disregard its prior reasoning because it made no specific "finding here" that ERAS' siloing of transmission upgrades would increase costs. FERC Br. 31. But FERC offers no explanation why the logic undergirding its most significant transmission and interconnection rulemaking in decades suddenly no longer holds true. *See* Pet. Br. 27 (citing Order No. 1920, 187 FERC ¶ 61,068 at P 100).

FERC also misconstrues Petitioners' expert testimony as "equivocal." FERC Br. 31. While Mr. Moaveni acknowledges as a matter of technical precision that there may be narrow exceptions to well-understood engineering efficiency principles, his conclusions are confident. "One of the most consequential impacts of [] ERAS [] will be its fragmentation of planning," which "undermines [] cost accountability" and creates "a patchwork model of incremental fixes that increase long-term costs and complexity." Public Interest Initial Protest, Attach. A Moaveni Testimony at 17-18, JA___-__(R.91_110-11). FERC has no answer.

ARGUMENT

I. FERC Failed to Justify the Unduly Discriminatory and Preferential ERAS Program.

FERC frames its undue discrimination analysis as a ledger, with the "limited risk of undue discrimination" on one side and "the benefits of the [ERAS] [Retail] Authority verification process" on the other. FERC Br. 43. FERC argues that there is only "limited risk of undue discrimination" in the cost column—and that any such risk is acceptable when balanced against the benefits column. *Id.* FERC is wrong on both counts. ERAS is unduly discriminatory in several fundamental respects, and the Federal Power Act's categorical prohibition on undue discrimination does not permit FERC to "balance" that problem away.

Nor can FERC's invocation of state authority justify ERAS. To be clear, states have a critical role in siting and regulating generation resources within their borders. 16 U.S.C. § 824. But Congress gave FERC exclusive jurisdiction over the "transmission of electric energy in interstate commerce and ... the sale of electric energy at wholesale in interstate commerce," *id.*; *New York v. FERC*, 535 U.S. at 16-20, including "the terms on which new generators connect to the transmission grid[,] because interconnection procedures and costs

directly affect wholesale rates and competition," *Advanced Energy*, No. 23-1282, 2026 WL 2211250, at *1. FERC cannot shirk its responsibility to prevent unduly discriminatory interconnection processes by outsourcing it to the states or claiming that doing so is a means that justifies the unduly discriminatory ends.

A. FERC Ignored the Unduly Discriminatory and Preferential Nature of ERAS and Misapplied the Statutory Standard by Interpreting It as a Balancing Test.

ERAS is fundamentally unduly discriminatory. That is most obvious in the fact that it allows Retail Authorities that are municipal or cooperative utilities to favor their own generation, even if two generators are otherwise identical. FERC states that it "nowhere found" that the verification distinguishes between similarly situated projects "such that it is permissible to discriminate against one." FERC Br. 40. But such a finding is required.

FERC's rebuttal instead rests on two assertions: (1) that undue discrimination is unlikely and outweighed by the benefits of Retail Authority verification, FERC Br. 40-42; and (2) because Retail Authorities have a role in ensuring resource adequacy, it is "rational to give them a role in [MISO's] generator selection process," *id.* at 43. But

the prohibition on undue discrimination is categorical, and in any event, FERC's conclusion on the likelihood of undue discrimination is contradicted by the record.

1. FERC Admits That It Did Not Address Petitioners' Undue Discrimination Argument and Did Not Apply the Correct Legal Standard for Analyzing Undue Discrimination.

FERC's Orders did not dispute that ERAS is unduly discriminatory because Retail Authority verification is insufficient to render two otherwise identical generators not similarly situated. Pet. Br. 35-36. FERC's response concedes this point, instead suggesting the Court should adopt an unprecedented balancing standard.

ERAS unquestionably discriminates between projects based on whether they receive Retail Authority verification—no project may enter ERAS without it. Order at P 199 (ERAS "allow[s] [Retail Authorities] to determine which projects should be selected for ERAS, and to implement their own processes for making such determinations"). Contrary to FERC's assertion (Br. 39-40), Petitioners have explained that ERAS discriminates between projects that may be "otherwise identical" except that a Retail Authority has chosen to verify one but not the other. Pet. Br. 35; *see also* Associations Rehearing Request at 20-22, JA___-

__(R.112_20-22).[3] Two proposed generators may be identical—*e.g.*, the same technology, size, area, timeline, and ability to serve a particular resource adequacy need—and it is fully up to the Retail Authority to select which project proceeds in ERAS. If the basis for selecting one project and excluding the other does not render those projects differently situated, then the discrimination between them is, by law, undue. *See Transmission Agency of N. Cal. v. FERC*, 628 F.3d 538, 549 (D.C. Cir. 2010). As a result, FERC's Orders are "not in accordance with law." 5 U.S.C. § 706(2)(A).

ERAS expressly permits that outcome because it provides no guardrails governing the Retail Authority verification process, including the basis upon which Retail Authorities (i) decide whether a project addresses a resource adequacy deficiency or serves a valid load, or (ii) choose between two similarly situated projects that both meet those criteria. *See* Associations Rehearing Request at 21-24, JA___-

[3] To the extent FERC is suggesting that no two generation projects can be similarly situated, this would mark a major, unexplained departure from bedrock FERC principles, *see Standardization of Generator Interconnection Agreements & Procs.*, Order No. 2003, 104 FERC ¶ 61,103, at P 11 (2003), and a different rationale than FERC relied on in the orders under review, *SEC v. Chenery Corp.*, 318 U.S. 80, 87 (1943).

__(R.112_21-24). A Retail Authority could preference its own resource or choose a resource based on the owner's political activity or the identity of the landowner from which the resource will purchase its land. The lack of guardrails on Retail Authority verification—and FERC's inability to review those decisions—is a recipe for undue discrimination.

Instead of assessing whether ERAS discriminates between similarly situated entities, FERC "determined ... that the likelihood of [Retail] Authorities engaging in undue discrimination in verifying projects was low" and "outweighed by the benefits of [Retail] Authority verification." FERC Br. 40-41. Elsewhere, FERC says that "[t]he operative legal question" is not whether ERAS precludes undue discrimination, but whether "the Commission reasonably deemed the record evidence probative of a risk of undue discrimination." FERC Br. 45.

In effect, FERC asks the Court to adopt a new standard that allows FERC to *balance* undue discrimination against non-statutory considerations instead of prohibiting it. FERC's reading is inconsistent with the only reasonable reading of the Federal Power Act, which categorically proscribes undue discrimination. *See* 16 U.S.C. § 824d(b)

("No public utility *shall* ... make or grant *any* undue preference or advantage to any person or subject any person to *any* undue prejudice or disadvantage" (emphases added)).

Courts have been clear that FERC *may not* balance away its statutory mandates. *See New York v. FERC*, 535 U.S. at 7 ("[Section] 205 of the [Federal Power Act] prohibit[s], among other things, unreasonable rates and undue discrimination." (citing 16 U.S.C. §§ 824d(a)-(b))); *El Paso Elec. Co. v. FERC*, 76 F.4th 352, 361-62 (5th Cir. 2023). FERC's failures to acknowledge the novelty of its interpretation or cases precluding it are themselves independent bases to grant the petition. *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009).

FERC cites only one case in support of its new balancing test, *Xcel*, 41 F.4th 548. *Xcel* is easily distinguished. There, the Court deferred to FERC's rejection of a proposal based on its determination that a proposal's benefits did *not* outweigh the potential for undue discrimination. *Id.* at 551, 562. The Court had no occasion to consider whether, under the Federal Power Act, the "benefits" of undue discrimination could justify it.

FERC's request for deference on the facts, FERC Br. 41, does nothing to bolster its case. Interpretation of the undue discrimination standard is a question of law, not fact. While FERC has some discretion in its *application* of a statutory standard, it has no discretion *whether* to apply it. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 392 (2024). Accordingly, because FERC did not find Retail Authority verification sufficient to render identical projects not similarly situated, the underlying orders are arbitrary and capricious.

2. FERC's Finding of a Low Risk of Undue Discrimination Was Arbitrary and Capricious.

Even if FERC could weigh the risk of undue discrimination against non-statutory factors, FERC's conclusion that the risk of undue discrimination is low was arbitrary and capricious and unsupported by substantial evidence. Although ERAS is unduly discriminatory in multiple ways, Pet. Br. 34-46, we focus on one egregious example that FERC failed to meaningfully address: by including municipal and cooperative utilities that own their own generation in the definition of Retail Authority, ERAS creates an obvious path for undue discrimination.

Respondents speculate that generation-owning Retail Authorities will not act in their own self-interest because they are subject to state

laws, with obligations to serve the public interest and/or members' interests. FERC Br. 41-42; Int. Br. 24-25. But FERC failed to identify a single example of state laws or obligations prohibiting undue self-preference, thus resting this critical aspect of its order on a conclusory assertion without record evidence or legal citation.[4]

FERC tries to invert its burden, claiming *Petitioners* "cite nothing for the novel proposition that the Commission must point to codified law expressly barring undue discrimination before deeming a utility to be not unduly discriminatory." FERC Br. 45. This gets it backwards. It is the *Commission's* burden to support its decision that ERAS is not unduly discriminatory or preferential with substantial evidence. *NextEra Energy Res., LLC v. FERC*, 898 F.3d 14, 22 (D.C. Cir. 2018); 16 U.S.C. § 824d(b); 5 U.S.C. § 706(2)(E). FERC alleged that state laws and other obligations mitigate a utility's incentive to favor its own generation. FERC must show substantial record evidence for that finding.

Even assuming that municipal and cooperative utilities have such obligations to their members, this does not address Petitioners' undue

[4] Tellingly, Intervenors now minimize the importance of this rationale to FERC's decision. Int. Br. 24-25.

discrimination concerns. Municipal and cooperative utilities, like any generation developer, have a rational incentive to discriminate in favor of generation in which their ratepayers have invested. Pet. Br. 39-40; Associations Rehearing Request at 25, JA___(R.112_25). While municipal and cooperative utilities do not have shareholders, their member-ratepayers ultimately pay for their projects and will benefit from the many advantages that ERAS projects enjoy, including skipping the lengthy standard queue and receiving preferential access to headroom and modeling assumptions. Pet. Br. 46-50; *infra* Argument Section I.C. Any entity seeking to timely bring a project to fruition would capitalize on those benefits if it could.

Respondents further argue that municipal and cooperative utilities' obligations to serve load incentivize them to administer the verification requirement to identify the resources best suited to avoid potential shortfalls. FERC Br. 42; Int. Br. 25. But as an interconnection protocol, ERAS is about allocating access to interstate transmission capacity, a matter squarely and exclusively within FERC's jurisdiction. *Supra* Argument Section I. Retail Authorities (including municipal and cooperative utilities) have no authority over allocating interstate

transmission system capacity, regardless of any asserted *regional* resource adequacy shortfall. It is entirely possible, and even likely, that multiple projects can meet identified electricity needs. *Supra* Argument Section I.A.1. By giving generation-owning Retail Authorities the opportunity and incentive to select among those resources, FERC bakes the potential for undue discrimination into its jurisdictional tariff.

The fact that municipal and cooperative utilities are non-profit does not help FERC either. FERC Br. 42; Int. Br. 25. Every regional transmission organization is non-profit, yet FERC has often acted to limit their opportunities to unduly discriminate. *See, e.g.*, *Sw. Power Pool, Inc.*, 175 FERC ¶ 61,198, at PP 1, 38-39 (2021) (rejecting proposal because it granted regional transmission organization's Board excess discretion, risking undue discrimination).

Finally, Respondents' assertion that opportunities for undue discrimination are limited because ERAS is a one-time, capped program, FERC Br. 43; Int. Br. 23-24, 26, does not help their cause. The fact that the undue discrimination could be *worse* if ERAS were bigger is not a reasoned response to the problem that ERAS is unduly discriminatory now.

B. FERC Impermissibly Subdelegated Its Authority to Retail Authorities.

By allowing Retail Authorities to decide which projects get preferential access to the interstate transmission system, FERC impermissibly subdelegated its statutory responsibility to prohibit undue discrimination to those Authorities, whose "verification" decisions are unreviewable by FERC.

Respondents try to minimize the consequences of the subdelegation, claiming Retail Authorities have a limited role consistent with their authority over resource adequacy. FERC Br. 51; Int. Br. 27. Not so. "MISO ... allow[s] [Retail Authorities] to determine which projects should be selected for ERAS, and to implement their own processes for making such determinations." Order at P 199, JA___-__(R.108_93-94). While states regulate generation resources within their borders, the terms by which those resources interconnect to the interstate transmission system are within FERC's exclusive jurisdiction. Allowing states to allocate privileged access to the interstate grid goes far beyond states' traditional role.

Next, FERC claims that Petitioners demand it exercise "granular oversight" over Retail Authorities. FERC Br. 49. But at issue here is the

absence of *any* guardrails governing the verification process; the basis upon which Retail Authorities decide whether a project "address[es] a resource adequacy deficiency" or serves a "valid" load, *see* Tariff, Att. X § 3.9.1, JA___-__(R.1_1062-65), or choose between two similarly situated projects that both meet those criteria; or of any mechanism for FERC to question the Retail Authorities' decision after-the-fact. Without a basis or process for verification, *contra* Int. Br. 28-29, FERC has effectively "abdicate[d] its role as a rational decisionmaker" by ceding "near-total deference" to Retail Authorities regarding the verification decisions that are key to preferential access to the transmission system. *La. Pub. Serv. Comm'n v. FERC*, 761 F.3d 540, 551-52 (5th Cir. 2014) (quoting *Tex. Off. of Pub. Util. Couns. v. FCC*, 265 F.3d 313, 328 (5th Cir. 2001)); *see also U.S. Telecom Ass'n v. FCC*, 359 F.3d 554, 567 (D.C. Cir. 2004) (finding an agency unlawfully subdelegates when it allows "states [to] make crucial decisions ... with [agency] oversight neither timely nor assured").

Finally, FERC is wrong that Federal Power Act Section 206 provides adequate oversight regarding the subdelegation. FERC Br. 50. The right to file a complaint concerning tariffed practices under Section 206 is always available. If that alone offered adequate oversight, this

Court could *never* find that FERC impermissibly subdelegated its authority. And unlike in the case cited by FERC, here, FERC *cannot* "continue to exercise oversight ... [via] a Section 206 complaint proceeding," *La. Pub. Serv. Comm'n*, 761 F.3d at 552, because Retail Authorities' verification decisions are insulated from FERC's reach. In that case, FERC demonstrated that a Section 206 complaint had actually been used to challenge a state-set depreciation rate in a FERC-approved formula, *id.* at 548-49, 552, allowing the court to conclude that Section 206 would provide adequate recourse. *Id.* at 552. But here, and *contra* Intervenors' Brief (Br. 28-29), ERAS contains no standards or process by which to adjudicate a challenge to a Retail Authority's verification process or the basis for its verification decision. *See* Tariff, Att. X § 3.9.1, JA___-__(R.1_1062-65). Moreover, in *Louisiana*, state regulators provided only a single, non-dispositive input—depreciation rates—to a larger FERC-approved formula and therefore were not the outcome-determinative gatekeepers they are here. 761 F.3d at 542-43, 551.

C. FERC Failed to Justify the Undue Advantage ERAS Projects Receive Through Preferential Modeling.

As explained in Petitioners' Opening Brief, ERAS projects receive preferential modeling treatment that gives them a competitive

advantage measured in millions of dollars. But FERC erects a strawman rather than responding to Petitioners' actual arguments.

FERC tries to defend two specific modeling decisions: (a) the removal of other pending projects from the transmission system model used for ERAS projects, and (b) the siloed studies of individual ERAS projects that ignore cumulative impacts. FERC Br. 52-54. With respect to removing pending projects from ERAS models, FERC claims that doing otherwise would risk delays because projects withdrawing from the standard queue could require ERAS studies to be re-run. FERC Br. 53. But Petitioners make a more modest point: it is not realistic "to model ERAS projects as if *all* [standard queue] projects without a finalized agreement will withdraw." Pet. Br. 48. FERC's argument relies on a false binary. It may be reasonable to assume that *some* pending projects will withdraw, but it is unreasonable to assume that *all* such projects will withdraw. *See* Associations Rehearing Request at 12, JA___(R.112_12) (identifying 89% completion rate for advanced projects in standard

queue).[5] FERC did not respond to the argument Petitioners actually put forward.

In response to Petitioners' arguments regarding the siloing of individual projects in ERAS studies, FERC claims that "upgrades needed to interconnect particular [ERAS] projects are paid for by those projects." FERC Br. 53-54. That response ignores the key element of Petitioners' argument: By virtue of being studied in isolation, ERAS projects dodge paying their fair share for upgrades caused by *cumulative* impacts of multiple interconnecting generators. Pet. Br. 50. This is further confirmed by both the record and FERC's Orders—MISO itself explained that certain cumulative upgrades would be paid by customers in annual transmission studies. Witmeier Testimony at 55:16-18, JA___(R.1_968); *see also* Rehearing Order at P 88, JA___-__(R.121_63-64).

[5] The Order also ignored evidence about MISO's new analytics allowing projects in all standard cycles to receive an interconnection agreement in months to a year from study kickoff (Clean Grid Alliance Protest at 38-39, JA___-__(R.85_38-39) and MISO's statement that all outstanding interconnection cycles would reach agreements by 2026 (Public Interest Protest at 31, 36, JA___(R.91_33); JA__(R.91_82), despite Respondents now crediting the Order's finding that MISO's recent interconnection reforms will be insufficient for near-term needs. FERC Br. 68 (citing Order at P 83, JA___-__(R.108_41-42)); Int. Br. 38-39 (citing Rehearing Order at PP 38-40, JA___-__(R.121_25-28)).

While Intervenors acknowledge that end-use consumers will pay for certain cumulative upgrades caused by ERAS, *see* Int. Br. 32-33, their response incorrectly suggests that this is equally true for projects in the standard interconnection process. The standard study process identifies cumulative upgrades among projects within a cluster, with costs paid by those generators. Pet. Br. 48-49. But ERAS creates a new category of upgrades that would normally be identified in clustered interconnection studies that will instead be identified in transmission planning processes and paid for by end-use consumers.

Finally, FERC wrongly suggests that discriminatory modeling treatment is *due*. FERC Br. 55. "FERC must reasonably explain how [differently treated entities] are not similarly situated *and in what respects the reasons are material*." *New Eng. Power Generators Ass'n v. FERC*, 881 F.3d 202, 213 (D.C. Cir. 2018) (emphasis added). Although FERC has attempted to justify giving ERAS projects a timing advantage, FERC never justified giving ERAS projects additional financial benefits. As a matter of Federal Power Act and APA review, those financial benefits must be addressed separately from the speed advantages. Pet.

Br. 50; Public Interest Rehearing Request at 7, JA___(R.111_7). FERC's failure to do so is contrary to law.

II. FERC Failed to Justify How ERAS Is Narrowly Tailored and Consistent with the Reasoning of Its Prior Order.

FERC rejected the initial ERAS proposal because it was a broad departure—rather than a narrowly tailored exception—from the competitive, open access systems needed to ensure just and reasonable rates. Pet. Br. 15-16; Initial ERAS Order, 191 FERC ¶ 61,131, at P 203; *see also id.* at PP 199, 201 (finding the initial proposal improperly advantaged projects that were excessive and/or unable to meet MISO's stated need). FERC has not reasonably explained how its approval of the second ERAS proposal is consistent with these principles. Instead, FERC pleads for deference and flexibility. FERC Br. 60, 64, 68-69. But the fact that the Federal Power Act allows for more than one just and reasonable rate does not relieve FERC of its obligation to demonstrate how its departure from open access principles will produce just and reasonable rates, or its obligation to engage in reasoned decision-making. Pet. Br. 54-55, 62 (citing *Fox Television Stations*, 556 U.S. at 515-16). In addition, the Order is arbitrary and capricious because its key conclusions contradict the record.

A. FERC Did Not Substantiate Its Decision to Approve ERAS' Cap Size or Its Shifting Treatment of Excessive Resources.

In rejecting the initial ERAS proposal, FERC explained that the number of resources receiving preferential treatment must be limited to the number necessary to meet the claimed need. Pet. Br. 51 (citing Initial ERAS Order at P 202). It then accepted a revised ERAS with no system-level megawatt limit, despite MISO claiming a need in those terms. Pet. Br. 55-56. This unexplained reversal is arbitrary and capricious. *Fox Television Stations*, 556 U.S. at 515-16. FERC attempts to distract from its prior emphasis on only accelerating as many projects as were *needed*—for example, omitting its reasoning regarding excess size from its summary of its initial order. FERC Br. 56. But it cannot abandon a central part of its precedent without explanation.

Nor does FERC succeed in establishing that the ERAS revisions resolve its prior concerns. While Respondents point to ERAS eligibility criteria (FERC Br. 57-58; Int. Br. 34-35), none limit the total program size to systemwide need in megawatts. ERAS' quarterly cycles and locational requirements are irrelevant to ERAS' *magnitude*. And both the Retail Authority verification and 150% capacity limit apply to individual

projects. While FERC (Br. at 59) dismissed the allowance of 50% excess capacity per ERAS project as "modest[]," allowing *every* project to round up this significantly is far from modest, exceeds MISO's stated needs, and is disconnected from the systemwide need. FERC's assertion that the cap and other elements "correlate" to MISO's stated systemwide need is therefore unsupported. *See* FERC Br. 61.

Even if it were not an unexplained reversal, FERC's defense of the 68-project cap was not reasoned decision-making. MISO's 68-project limit significantly surpassed the 50-project limit of an accelerated interconnection process previously approved in another region, PJM. Pet. Br. 53. Yet evidence suggested MISO had less need for acceleration on several metrics. *Id.* Nevertheless, FERC "expressly disclaimed reliance on PJM's distinct program." FERC Br. 60. But when presented with evidence of material similarities between the two situations, reasoned decision-making required FERC to engage with the substance of Petitioners' concern. *See* Pet. Br. 53. Moreover, FERC disclaiming its PJM order was conveniently inconsistent, since FERC elsewhere used that program to justify its decision. S*ee* Order at P 196, JA___(R.108_93)

(finding that "similar to the PJM … construct" ERAS "does not present open access concerns").

Finally, FERC tries to dodge the obvious downside of excessive ERAS projects—that consumers would be laden with associated costs—by claiming the issue was not raised below. FERC Br. 61-62. Not so. Public Interest Petitioners consistently objected to the cap and resultant costs. *See* Public Interest Protest at 6, JA____(R.91_8) (noting the cap did not limit costs to consumers); Public Interest Rehearing Request at 8, JA___(R.111_8) (noting that certain costs for ERAS upgrades are assigned to consumers in the transmission expansion process). Moreover, FERC's precedent consistently holds that protecting open access is critical to maintain just and reasonable rates. *See* Order No. 2023, 184 FERC ¶ 61,054, at P 37; *see also* Public Interest Protest at 3, JA____(R.91_5) (providing additional examples). "[T]he 'primary aim [of the [Federal Power Act]] is the protection of consumers from excessive rates and charges.'" *Xcel Energy Servs. Inc. v. FERC*, 815 F.3d 947, 952 (D.C. Cir. 2016) (citation omitted).

B. FERC Fails to Justify Allowing Longer-Term Projects in ERAS.

FERC's response to Petitioners' point that ERAS is not structured to meet the identified near-term resource need fails. Pet. Br. 58-65. First, FERC admits the program allows projects to reach commercial operation six years from application. FERC Br. 63. For projects submitted and accepted in 2027,[6] completion in 2033 is three to five years past FERC's asserted need. FERC calls this a "worst-case scenario." *Id.* (citing Rehearing Order at P 45, JA___-__(R.121_31-32)). But FERC did not address the *probability* of that worst-case result, nor even a general expected distribution of timelines across ERAS. "[T]he agency must [] exercise its judgment in moving from the facts and probabilities on the record to a policy conclusion." *Motor Vehicle Mfrs. Assoc. of the U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 52 (1983). "[I]t is [not] sufficient [] to merely recite the terms 'substantial uncertainty' as a justification …." *Id.*

[6] FERC incorrectly suggests that only projects in ERAS' final cycle (August 2027) could finish in 2033. FERC Br. 63. In fact, projects in the first or second 2027 cycles could also permissibly be completed in 2033.

Next, FERC points to the Order's finding that certain "stringent criteria" on applicant projects can "favor[] selection of shovel-ready projects." FERC Br. 64 (quoting Rehearing Order at P 46, JA___(R.121_32)). That finding does not do the work FERC asserts. The Order fails to establish that application requirements ensure that selected projects will be shovel-ready, and FERC's brief does not and cannot fill that critical gap. Pet. Br. at 60 (citing Order at P 36, JA__-__(R.108_17-19)). Intervenors meanwhile assert that ERAS' application elements *together* "function as a shovel ready screen even if no single criterion does on its own," but point to no supporting reasoning in the Order. Int. Br. 36. FERC now states that "development agreements are necessary for construction" and that the challenged Orders do not claim otherwise, FERC Br. 67. However, FERC's brief (like the Order) never reconciles that position with that element's absence in ERAS. A result illogical on its own terms renders the agency order arbitrary and capricious. *Fed'n of Gov't Emps. v. FLRA*, 470 F.3d 375, 380 (D.C. Cir. 2006). While FERC hides behind *Xcel*, 41 F.4th at 561, as cover for its supposedly "reasonable prediction," that decision teaches that a

conclusion must be "supported by substantial evidence," *id.* at 560. Such evidence is lacking here.

Downplaying the severity of the "worst-case scenario," FERC avers that although projects may be completed after the identified time of need, "[ERAS] as a whole" could still be "[]effective at bridging the expected resource adequacy gap." FERC Br. 64. This point moves the goalposts. It is not enough to say that an interconnection fast-lane might be helpful.[7] Any such discriminatory program must comply with the Federal Power Act and Commission precedent, which require narrow tailoring of any departure from open access, such that projects that do not help solve the claimed need should not receive special treatment. Initial ERAS Order at P 201.

CONCLUSION

The Court should vacate the Orders for the foregoing reasons.

[7] The Rehearing Order at P 48, JA___-__(R.121_33-34) (cited approvingly in Intervenors' Brief at 37) inappositely cites PJM's expedited interconnection program to show that a late-arriving resource "may still reduce the magnitude or duration of a resource shortfall going forward." Evidence in *this* administrative proceeding did not indicate a continuing shortfall past MISO's near-term need.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because it contains 6,487 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f) and D.C. Circuit Rule 32(e)(1).

I also certify that this brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word Century Schoolbook 14-point font.

Respectfully submitted,

Dated: August 21, 2026

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CERTIFICATE OF SERVICE

I certify that, on August 21, 2026, I caused this document to be filed electronically with the Clerk of Court using the CM/ECF system, and thereby served via CM/ECF on all parties and counsel of record.

Dated: August 21, 2026

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NOT YET SCHEDULED FOR ORAL ARGUMENT
No. 25-1264 (Consolidated with 25-1266)

In the United States Court of Appeals for the District of Columbia Circuit

CLEAN WISCONSIN, ET AL.,
PETITIONERS

v.

FEDERAL ENERGY REGULATORY COMMISSION,
RESPONDENT

ON PETITION FOR REVIEW OF FINAL ORDERS OF THE FEDERAL ENERGY REGULATORY COMMISSION

ADDENDUM TO REPLY BRIEF OF PETITIONERS

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August 21, 2026

REPLY ADDENDUM
TABLE OF CONTENTS

Supplemental Declaration

EDP Renewables North America LLC

Supplemental Declaration of David Mindham R-ADD-001

Supplemental Declaration of David Mindham
on Behalf of EDP Renewables North America LLC

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Advanced Energy United,	)	
American Clean Power Association,	)	
Clean Grid Alliance,	)	
Solar Energy Industries Association,	)	
	)	**No. 25-1266**
***Petitioners*,**	)	
	)	
v.	)	
	)	
Federal Energy Regulatory Commission,	)	
	)	
Respondent.	)	

DECLARATION OF EDP RENEWABLES NORTH AMERICA LLC IN SUPPORT OF PETITIONERS' STANDING

I, David Mindham, hereby declare as follows:

1. I am over the age of 18. If called as a witness in this action, I could testify to the facts stated herein.
2. I am the Sr. Director, Regulatory & Market Affairs at EDP Renewables North America LLC. I am authorized to make this declaration on behalf of EDP Renewables North America LLC.
3. EDP Renewables North America LLC is an independent power producer who participates in the Midcontinent Independent System Operator's ("MISO") standard generator interconnection process, the Definitive Planning Process ("DPP").
4. As an independent power producer, EDP Renewables North America LLC relies on FERC fulfilling its statutory duty under the Federal Power Act to prevent public utilities from unduly discriminating amongst customers in the provision of transmission service. 16 U.S.C. §§ 824d, 824e.

5. EDP Renewables North America LLC develops and operates projects that are seeking to interconnect to the transmission system operated by MISO. The Expedited Resource Addition Study ("ERAS") harms EDP Renewables North America LLC in two distinct ways.

6. First, ERAS will increase the costs of interconnecting EDP Renewables North America LLC's projects to the transmission system. MISO studies projects in the standard interconnection process in cycles. ERAS projects that skip ahead of projects in the 2025 DPP cycle, including EDP Renewables North America LLC's projects, will use up existing transmission system capacity—i.e., headroom. This means that projects in the 2025 DPP cycle that would have otherwise been able to utilize that existing headroom when interconnecting to the transmission system will instead need to pay to upgrade and expand the transmission system's capacity before those projects can interconnect, which can cost many millions of dollars. EDP Renewables North America LLC will either bear these costs directly or will be forced to cancel its planned projects if the costs to upgrade and expand the transmission system make projects uneconomical.

7. MISO began its first ERAS study cycle on September 2, 2025, and executed its first round of expedited interconnection agreements for ERAS projects in December 2025, which was before MISO had even commenced its studies of non-ERAS projects in the 2025 DPP cycle. Although DPP 2025 applications were due October 7, 2025, MISO did not finalize the model that it used to study projects in the DPP 2025 cycle until January 5, 2026. By that time, several ERAS projects had already been studied, approved, and placed under executed agreements. In other words, when MISO studied the DPP 2025 projects, it modeled the presence of ERAS projects with executed interconnection

agreements *and* those projects' use of transmission capacity, making it unavailable for projects in the DPP 2025 cycle.

8. ERAS therefore directly harms EDP Renewables North America LLC, which currently has multiple projects in MISO's standard interconnection queue, including at least two (2) projects in MISO's Definitive Planning Phase 2025 ("DPP 2025") cycle, such as Pearl River Storage, a 100-megawatt facility located in Scott County, MI (MISO Queue No. J-4131; and Rock Solar II, a 71.5 MW facility located in Rock and Dane County, WI (MISO Queue No. J-4097). At least one project in the first ERAS study cycle is in the vicinity of the Rock Solar II project.

9. ERAS projects use up headroom that would have otherwise been available to DPP 2025 projects, which substantially increases the likelihood that projects in the DPP 2025 cycle, including EDP Renewables North America LLC's projects, will need to pay to upgrade the transmission system, which routinely costs millions of dollars and significantly delays commercial operation. But for ERAS projects consuming available system headroom, EDP Renewables North America LLC's projects would be studied against greater available headroom and assigned lower upgrade costs. This is indisputable, as transmission system headroom is both finite and zero sum—if ERAS projects use up headroom, it will not be available to projects studied later.

10. Second, for one of EDP Renewables North America LLC's projects to be chosen for ERAS, it would need to obtain verification from a "Relevant Electric Retail Regulatory Authority" (or "Retail Authority"). EDP Renewables North America LLC would have liked to submit its projects for ERAS, as doing so would dramatically expedite the pace at which those projects can interconnect to the transmission system. Further, EDP

Renewables North America LLC has multiple projects that would meet the other ERAS requirements. EDP Renewables North America LLC would have applied for ERAS if there were not the Retail Authority verification requirement. But EDP Renewables North America LLC is not a "Retail Authority," putting its projects at a disadvantage as compared to projects that are eligible for ERAS and are owned by Retail Authorities. As an independent power producer, and unlike generation-owning municipals and cooperatives, EDP Renewables North America LLC cannot act as, or obtain verification on the same footing as, a Retail Authority. Because of this, EDP Renewables North America LLC's projects have not been able to participate in ERAS.

11. EDP Renewables North America LLC is a member of Petitioners American Clean Power Association, Clean Grid Alliance, and Solar Energy Industries Association.

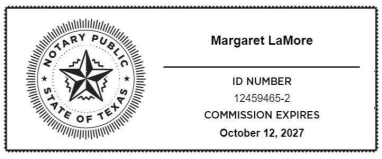
12. Petitioners American Clean Power Association, Clean Grid Alliance, and Solar Energy Industries Association can and will adequately represent EDP Renewables North America LLC's interests in this matter without the need for EDP Renewables North America LLC itself to separately participate.

Signed by: David Mindham
Name: David Mindham
Title: Sr. Director, Regulatory & Market Affairs
Date: August 14, 2026

State of Texas §
County of Travis §

This instrument was acknowledged before me by means of an interactive two-way audio and video communication on August 14, 2026, by David Mindham as Sr. Director, Regulatory & Market Affairs of EDP Renewables North America LLC. This notarial act was an online notarization.

Notary Seal



Margaret LaMore
NOTARY PUBLIC

Electronically signed and notarized online using the Proof platform.
R-ADD-005