UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Arizona Public Service Company	**)**	**Docket No. ER26-2828-000**
Black Hills Colorado Electric Utility Company, LP	**)**	**Docket No. ER26-2816-000**
Black Hills Power, Inc.	**)**	**Docket No. ER26-2811-000**
Cheyenne Light, Fuel, & Power Company	**)**	**Docket No. ER26-2817-000**
Deseret Power	**)**	**Docket No. ER26-2805-000**
El Paso Electric Company	**)**	**Docket No. ER26-2806-000**
Public Service Company of Colorado	**)**	**Docket No. ER26-2801-000**
Public Service Company of New Mexico	**)**	**Docket No. ER26-2831-000**
Tri-State Generation and Transmission Association, Inc.	**)**	**Docket No. ER26-2822-000**
Tucson Electric Power Company	**)**	**Docket No. ER26-2803-000**
UNS Electric, Inc.	**)**	**Docket No. ER26-2804-000**

LIMITED PROTEST OF PUBLIC INTEREST ORGANIZATIONS

Pursuant to Rule 211 of the Federal Energy Regulatory Commission's ("FERC" or "the Commission") Rules of Practice and Procedure,[1] Environmental Defense Fund, Natural Resources Defense Council, Sustainable FERC Project, NW Energy Coalition, Sierra Club Environmental Law Program, and Western Resource Advocates (collectively, "Public Interest Organizations" or "PIOs") submit this limited protest of certain aspects of WestConnect and the WestConnect Transmission Owners' Order No. 1920, 1920-A, and 1920-B[2] compliance filings (collectively, "WestConnect's compliance filings").[3]

[1] 18 C.F.R. § 385.211.

[2] *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, 187 FERC ¶ 61,068 at P 1772 (2024) ("Order No. 1920"); *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, 189 FERC ¶ 61,126 at P 918 (2024) ("Order No. 1920-A"); *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, 191 FERC ¶ 61,026 (2025) ("Order No. 1920-B").

[3] Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Arizona Public Service Company, Docket No. ER26-2828-00 (June 12, 2026), Accession No. 20260612-5155; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Black Hills Colorado Electric Utility Company, LP, Docket No. ER26-2816-000 (June 12, 2026), Accession No. 20260612-5091; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Black Hills Power, Inc., Docket No. ER26-2811-000 (June 12, 2026), Accession No. 20260612-5081; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Cheyenne Light, Fuel, & Power Company, Docket No. ER26-2817-000 (June 12,

INTRODUCTION

In Order No. 1920, the Commission builds on its foundational orders, Order No. 890[4] and Order No. 1000,[5] which establish integrated transmission planning and cost allocation requirements.[6] The principles embodied in those orders are critical to the implementation of Order No. 1920. Indeed, the Commission recognizes Order No. 1000 "expands upon the reforms begun in Order No. 890."[7] Although Order No. 1920 adopts additional reforms, it also reaffirms the long-standing obligation of transmission providers to comply with the planning principles in Order No. 890 and Order No. 1000, including coordination, openness, transparency, information exchange, comparability, dispute resolution, economic planning, cost allocation, and regional participation.[8] The Commission reaffirms the requirement to adhere to these principles by directing transmission

2026), Accession No. 20260612-5101; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Deseret Power, Docket No. ER26-2805-000 (June 12, 2026), Accession No. 20260612-5061; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of El Paso Electric Company, Docket No. ER26-2806-000 (June 12, 2026), Accession No. 20260612-5063; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Public Service Company of Colorado, Docket No. ER26-2801-000 (June 12, 2026), Accession No. 20260612-5046; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Public Service Company of New Mexico, Docket No. ER26-2831-000 (June 12, 2026), Accession No. 20260615-5000; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Tri-State Generation and Transmission Association, Inc., Docket No. ER26-2822-000 (June 12, 2026), Accession No. 20260612-5113; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Tucson Electric Power Company, Docket No. ER26-2803-000 (June 12, 2026), Accession No. 20260612-5057; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of UNS Electric, Inc., Docket No. ER26-2804-000 (June 12, 2026), Accession No. 20260612-5060.

[4] *Order No. 890, Preventing Undue Discrimination and Preference in Transmission Service*, 118 FERC ¶ 61,119 (2007); *See S.C. Pub. Serv. Auth. v. FERC*, 762 F.3d 41 (D.C. Cir. 2014) (reiterating the Commission's conclusion that where transmission providers lack coordination, openness, and transparency in transmission planning, this has resulted opportunities for undue discrimination, and Order No. 890 provides a remedy with the planning principles); s*ee also N.Y. Reg'l Interconnect, Inc. v. FERC*, 634 F.3d 581, 584 (D.C Cir. 2011) (stating the Commission intended for Order No. 890 to address and remedy opportunities for undue discrimination in the pro forma open access transmission tariff)

[5] *Order No. 1000, Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities*, 136 FERC ¶ 61,051 (2011); Brief of Respondent at 24-25, *Appalachian Voices, et al. v. FERC*, No. 24-1650 (4th Cir. Jan. 6, 2026).

[6] Order No. 1920 at PP 261, 263.

[7] Order No. 1000 at P 20; *see also* Order No. 1920 at P 15.

[8] Order No. 1920 at P 224.

providers to implement them when developing their compliance filings.[9] To implement the coordination planning principle, for example, the Commission requires transmission providers "with the input of their customers and other stakeholders, to craft coordination requirements that work for those transmission providers and their customers and other stakeholders."[10] Similarly, to implement the Orders' openness and transparency principles, the Commission directs transmission providers to identify and measure benefits "[c]onsistent with their obligations under Order No. 890 and Order No. 1000 transmission planning principles to be open and transparent as to their transmission planning processes."[11]

Throughout Order No. 1920, the Commission ties implementation of the principles of Order No. 890 and Order No. 1000 to the development of Long-Term Scenarios. It explains that the "best available data inputs are data inputs that are timely, developed using best practices and diverse and expert perspectives, and adopted via *a process that satisfies the transmission planning principles of Order Nos. 890 and 1000*, and reflect the list of factors that transmission providers account for in their Long-Term Scenarios."[12] In addition, the Commission emphasizes the important role of states in that process and its expectation that transmission providers "respect states' concerns" throughout the regional planning process.[13]

In carrying forward the principles established in Order Nos. 890 and 1000, Order No. 1920 adopts comprehensive reforms to address existing, nationwide transmission-planning practices that the Commission found were contributing to unjust, unreasonable, or unduly discriminatory or preferential Commission-jurisdictional rates.[14]

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[9] *Id.*
[10] *Id.* at P 560.
[11] *Id*. at. P 822.
[12] *Id*. at P 42 (emphasis added); *see also Id*. at P 633.
[13] *Id.* at P 561; *see also* Order No. 1920 at P 634.
[14] *Id.* at P 1194.

WestConnect's compliance filings take important steps toward satisfying the rule. PIOs appreciate WestConnect's compliance efforts and collaboration with WestConnect Area RSE and stakeholders through the RSE meetings.[15] This cooperation has produced a first compliance filing that complies with many of Order No. 1920's requirements. For example, WestConnect proposes to develop a minimum of three distinct, long-term scenarios using best available data inputs and no less than a 20-year transmission planning horizon and reassess the scenarios at least once every five years.[16] WestConnect's filings also largely incorporate the appropriate enumerated benefits for evaluating transmission solutions,[17] except as described below.

Several aspects of WestConnect's proposal, however, do not comply with Order No. 1920's requirements, as they deviate from the Final Rule, and WestConnect has not demonstrated that they are consistent with or superior to the Final Rule.[18] In this limited protest, PIOs identify four principal deficiencies.

First, WestConnect's proposal to select Long-Term Regional Transmission Facilities is neither consistent with nor superior to the Final Rule, because its more-than-four-year duration exceeds Order No. 1920's three-year maximum. Second, WestConnect's evaluation of benefits is not consistent with or superior to Order No. 1920 because it fails to assess the benefits to both transmission customers and transmission providers. Third, WestConnect's inclusion of three

[15] WestConnect held seven Relevant State Entity Forums. *See Announcement of Joint Seventh Relevant State Entity Forum and Third Stakeholder Meeting for Long-Term Transmission Planning in the WestConnect Planning Region*, WestConnect Regional Planning, https://regplanning.westconnect.com/order_1920_joint_seventh_relevant_state_entity_third_stakeholder_meeting.htm (last accessed June 4, 2026).

[16] *See* Attachment K of WestConnect's compliance filings.

[17] *Id.*

[18] *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, 187 FERC ¶ 61,068 at P 1772 (2024) ("Order No. 1920"); *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, 189 FERC ¶ 61,126 at P 918 (2024) ("Order No. 1920-A"); *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, 191 FERC ¶ 61,026 (2025) ("Order No. 1920-B").

additional circumstances triggering reevaluation is not consistent with or superior to Order No. 1920, which narrowly defines the circumstances when reevaluation is appropriate. Finally, PIOs recommend that the Commission adopt the RSEs' proposed ex ante cost-allocation methodology and State Agreement Process, while requiring the WestConnect transmission providers to clarify how project-selection and potential deselection decisions would operate under those frameworks and to revise their tariffs accordingly.

Accordingly, PIOs respectfully request that the Commission issue a deficiency letter or, alternatively, accept the WestConnect Transmission Owners' compliance filings in part, reject the specific aspects described in this limited protest, and direct further compliance.

DISCUSSION

I. Standard of Review

In reviewing compliance filings submitted pursuant to Order No. 1920, the Commission determines whether the proposed tariff revisions comply with the Final Rule's requirements. Where a transmission provider proposes a provision that deviates from those requirements, the Commission applies the "consistent with or superior to" standard.[19] Under that standard, the transmission provider must demonstrate that the proposed alternative is consistent with or superior to the corresponding requirement of Order No. 1920.[20]

In applying that standard, the Commission specifically rejected requests from Regional Transmission Organizations that the Commission instead apply the more permissive independent entity variation standard.[21] The Commission explained that the "consistent with or superior"

[19] Order No. 1920-A, 189 FERC ¶ 61,126, at P 917.
[20] *Id.*
[21] Order No. 1920, 187 FERC ¶ at P 1772 Order No. 1920-A, 189 FERC ¶ 61,126 at P 918; Order No. 1920-B 191 FERC ¶ 61,026.

standard "struck a reasonable overall balance . . . between . . . transmission providers' need for flexibility . . . and . . . ensuring that transmission providers adopt reforms that will result in transmission providers identifying, evaluating, and selecting more efficient or cost-effective regional transmission facilities[.]"[22] In Order No. 1920-A, the Commission clarified that the "consistent with or superior" standard would apply to "*all* requirements of Order No. 1920."[23]

II. WestConnect's Proposed Project-Selection Timeline is Not Consistent With or Superior to Order No. 1920.

In Order No. 1920, the Commission required transmission providers to "complete the steps of the Long-Term Regional Transmission Planning cycle and determine whether to select Long-Term Regional Transmission Facilities *no later than three years* from the date when the Long-Term Regional Transmission Planning Cycle began."[24] In reaching this conclusion, the Commission explained that transmission providers "should not need the full five-year period to reach the point in Long-Term Regional Transmission Planning at which they decide whether to select Long-Term Regional Transmission Facilities that they have evaluated"[25] and found that a three-year cycle "strikes an appropriate balance by ensuring timely identification, evaluation, and selection of more efficient or cost-effective Long-Term Regional Transmission Facilities" while balancing the administrative burden of updating the Long-Term Scenarios during each planning cycle.[26] It further concluded that three years is "sufficient time for transmission providers to develop Long-Term Scenarios, identify Long-Term Transmission Needs, measure the benefits of Long-Term Regional Transmission Facilities addressing those needs, and evaluate and decide

[22] Order No. 1920-A at P 919.
[23] *Id.* at P 921.
[24] Order No. 1920 at P 379 (emphasis added).
[25] *Id*.
[26] *Id*. at P 379-380.

whether to select Long-Term Regional Transmission Facilities."[27] The Commission reaffirmed this requirement in Order 1920-A.[28]

The WestConnect transmission providers' tariffs do not comply with Order No. 1920's project-selection timeline and fail to demonstrate how their alternative schedule is consistent with or superior to the requirements of Order No. 1920. Rather than requiring evaluation and selection of Long-Term Regional Transmission Facilities within three years, the tariffs defer those steps until between the third quarter of year four and the second quarter of year five.[29] They also permit further delay until the end of year five if transmission providers "reasonably conclude[] that additional time is required."[30] As a result, the proposed tariffs could postpone project-selection decisions by as much as two years beyond Order No. 1920's three-year deadline.

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[27] *Id*. at P 379.

[28] Order No. 1920-A at P 248.

[29] Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Arizona Public Service Company, Docket No. ER26-2828-00, Attachment E, Section IX.G at 101 (June 12, 2026), Accession No. 20260612-5155; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Black Hills Colorado Electric Utility Company, LP, Docket No. ER26-2816-000, Attachment K Section IX.G. at 95 (June 12, 2026), Accession No. 20260612-5091; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Black Hills Power, Inc., Docket No. ER26-2811-000, Attachment K, Section IX.G at 95 (June 12, 2026), Accession No. 20260612-5081; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Cheyenne Light, Fuel, & Power Company, Docket No. ER26-2817-000, Attachment K, Section IX.G at 95 (June 12, 2026), Accession No. 20260612-5101; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Deseret Power, Docket No. ER26-2805-000, Attachment K Section IX.G at 81(June 12, 2026), Accession No. 20260612-5061; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of El Paso Electric Company, Docket No. ER26-2806-000, Attachment K, Section IX. G at 96 (June 12, 2026), Accession No. 20260612-5063; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Public Service Company of Colorado, Docket No. ER26-2801-000, Attachment R, Section IX.F at 72 (June 12, 2026), Accession No. 20260612-5046; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Public Service Company of New Mexico, Docket No. ER26-2831-000, Attachment K Section IX.G at 84 (June 12, 2026), Accession No. 20260615-5000; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Tri-State Generation and Transmission Association, Inc., Docket No. ER26-2822-000, Attachment K Section IX.G at 106 (June 12, 2026), Accession No. 20260612-5113; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Tucson Electric Power Company, Docket No. ER26-2803-000, Attachment K, Section IX.G at 96 (June 12, 2026), Accession No. 20260612-5057; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of UNS Electric, Inc., Docket No. ER26-2804-000, Attachment K Section IX.G, at 94-95 (June 12, 2026), Accession No. 20260612-5060.

[30] Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Arizona Public Service Company, Docket No. ER26-2828-00, Attachment E, Section IX.G at 101-102 (June 12, 2026), Accession No. 20260612-5155; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Black Hills Colorado Electric Utility Company, LP, Docket No.

By extending the evaluation and selection process beyond Order No. 1920's three-year deadline, the WestConnect transmission providers would perpetuate the very delays the Commission sought to address. In Order No. 1920, the Commission found that preexisting transmission planning processes were not "keeping pace" with the infrastructure required to satisfy Long-Term Transmission Needs.[31] The three-year deadline is therefore a central component of Order No. 1920's effort to ensure the timely identification, evaluation, and selection of needed Long-Term Regional Transmission Facilities.[32] WestConnect's proposed schedule is inconsistent with both the rule's requirements and would further delay development of the regional transmission facilities needed to address long-term needs.

WestConnect's proposed timeline is also an outlier compared with other multi-value regional transmission planning practices. For example, the Midwest Independent System Operator ("MISO") regularly completes its Long-Range Transmission Planning process in approximately two years and has successfully identified dozens of regional projects with benefit-to-cost ratios

ER26-2816-000, Attachment K Section IX.G. at 95-96 (June 12, 2026), Accession No. 20260612-5091; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Black Hills Power, Inc., Docket No. ER26-2811-000, Attachment K, Section IX.G at 95-96 (June 12, 2026), Accession No. 20260612-5081; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Cheyenne Light, Fuel, & Power Company, Docket No. ER26-2817-000, Attachment K, Section IX.G at 95-96 (June 12, 2026), Accession No. 20260612-5101; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Deseret Power, Docket No. ER26-2805-000, Attachment K Section IX.G at 81-82(June 12, 2026), Accession No. 20260612-5061; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of El Paso Electric Company, Docket No. ER26-2806-000, Attachment K, Section IX. G at 96-97 (June 12, 2026), Accession No. 20260612-5063; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Public Service Company of Colorado, Docket No. ER26-2801-000, Attachment R, Section IX.F at 72-73 (June 12, 2026), Accession No. 20260612-5046; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Public Service Company of New Mexico, Docket No. ER26-2831-000, Attachment K Section IX.G at 84-85 (June 12, 2026), Accession No. 20260615-5000; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Tri-State Generation and Transmission Association, Inc., Docket No. ER26-2822-000, Attachment K Section IX.G at 106-107 (June 12, 2026), Accession No. 20260612-5113; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Tucson Electric Power Company, Docket No. ER26-2803-000, Attachment K, Section IX.G at 96-97 (June 12, 2026), Accession No. 20260612-5057; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of UNS Electric, Inc., Docket No. ER26-2804-000, Attachment K Section IX.G, at 94-95 (June 12, 2026), Accession No. 20260612-5060.

[31] Order No. 1920 at P 228.

[32] *See* Order No. 1920 at P 379-380.

exceeding two to one.[33] WestConnect's neighboring Independent System Operators ("ISOs"), the Southwest Power Pool ("SPP") and the California Independent System Operator ("CAISO"), likewise conduct 20-year, multi-value regional transmission planning processes with extensive stakeholder participation in well under three years. SPP completed its 2022 Integrated Transmission Planning 20-Year Assessment in approximately three years[34] and CAISO regularly updates its 20-year outlook every two years.[35] Even the Western Transmission Expansion Coalition ("WestTEC"), a voluntary West-wide effort to develop a multi-value 20-year regional transmission plan which several WestConnect members participate in and which requires extensive stakeholder coordination and modeling across a substantially larger region, is on schedule to produce results approximately three years after its inception.[36] WestConnect has identified no exceptional circumstance that would justify requiring substantially more time than these comparable planning processes.

To comply with Order No. 1920's three-year deadline, WestConnect could decouple its existing 10-year transmission planning process from the new 20-year Long-Term Regional Transmission Planning process. WestConnect currently conducts a biennial planning cycle under Order No. 1000 that evaluates transmission providers' 10-year plans. Order No. 1920, by contrast,

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[33] Midcontinent Indep. Sys. Operator, Inc., *MTEP21 Report Addendum: Long Range Transmission Planning Tranche 1 Executive Summary* 1, 6 (2022), https://cdn.misoenergy.org/MTEP21%20Addendum-LRTP%20Tranche%201%20Report%20with%20Executive%20Summary625790.pdf
(stating that Tranche 1of the MISO Long-Range Transmission Planning process was conducted over two years between 2020 and 2022. The effort included a 20-year, multi-scenario analysis and completed a full benefit to cost analysis to identify 18 projects where benefit-to-cost ratios average of 2.6).

[34] *2022 20-Year Assessment Report Version 1.0*, SPP Engineering (July 31, 2023), https://www.spp.org/documents/69814/2022%2020-year%20assessment%20report%20v1.0.pdf.

[35] Note that the CAISO 20-year outlook is currently an informational input to its 10-year Transmission Planning Process where full benefits to cost analysis is conducted. However, this may change as CAISO seeks to update its processes to meet Order 1920 requirements (See FERC Docket ER26-704). https://www.caiso.com/library/20-year-transmission-outlook.

[36] https://www.westernpowerpool.org/about/programs/western-transmission-expansion-coalition

requires a distinct 20-year process for developing scenarios, identifying needs, evaluating facilities, and making selection decisions. WestConnect could preserve its biennial 10-year process while conducting the 20-year scenario and project-selection process on a separate schedule designed to conclude within three years. The 2024–2025 Study Plan provides a potential starting point because it already contemplates completion of a 20-year scenario analysis in 2025.[37]

Accordingly, the Commission should find that WestConnect's proposed project-selection timeline is not consistent with or superior to Order No. 1920. WestConnect has neither justified its departure from the Commission's three-year deadline nor demonstrated that its substantially longer process would achieve equal or better results. The Commission should therefore direct the WestConnect transmission providers to revise their tariffs to require completion of the Long-Term Regional Transmission Planning cycle, including any facility-selection decision, no later than three years after the cycle begins.

III. WestConnect Fails to Account for the Required Benefits to Both Transmission Providers and Transmission Customers as Required Under Order No. 1920.

Order No. 1920 requires transmission providers to consider a broad range of benefits when identifying, evaluating, and selecting Long-Term Regional Transmission Facilities. Specifically, the Commission directed transmission providers to "use and measure, at a minimum, a set of seven required benefits" over a period of at least 20 years beginning on each facility's estimated in-service date.[38] The Commission further required that transmission providers include in their OATTs a general description of how they will measure each required benefit.[39]

[37] *See Regional Transmission Plan Report WestConnect 2024-25 Regional Transmission Planning Cycle* at 7 (Dec. 17, 2025), https://doc.westconnect.com/Documents.aspx?NID=21545&dl=1.
[38] Order No. 1920 at P 721.
[39] *Id.* at P 837.

WestConnect's proposal, however, imposes overly prescriptive limitations on which parties' benefits may be calculated. By limiting the benefits analysis to benefits realized by the transmission provider, the proposal would artificially understate the value of Long-Term Regional Transmission Facilities and conflict with Order No. 1920's requirement to consider a broad range of benefits. WestConnect's proposed approach is therefore inconsistent with Order No. 1920's benefits-evaluation framework.

Order No. 1920 and Order No. 1920-A make clear that Long-Term Regional Transmission Planning must assess reliability and economic benefits accruing to *both* transmission providers and transmission customers.[40] As the Commission explained in Order No. 1920-A, transmission providers must evaluate "whether these facilities would yield reliability and economic benefits to *transmission customers* and, if so, identify[] those benefits."[41] The Commission further emphasized that the minimum requirements adopted in Order No. 1920 are intended, among other things, to "produce greater benefits for *transmission customers*."[42]

WestConnect's proposal, however, improperly limits the benefits analysis to benefits realized by the transmission provider. For example, the proposed tariff states that "the degree to which the Transmission Provider would realize each type of benefit will be quantified in dollars."[43]

[40] *See* FERC Order 1920 at P 269; FERC Order No. 1920-A at P 2.
[41] Order No. 1920-A at P 2 (emphasis added).
[42] Order No. 1920-A at P 5 (emphasis added).
[43] Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Arizona Public Service Company, Docket No. ER26-2828-00, Attachment E Section IX.G(1)(a) at 102 (June 12, 2026), Accession No. 20260612-5155; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Black Hills Colorado Electric Utility Company, LP, Docket No. ER26-2816-000, Attachment K Section IX.G(1)(a) at 95-96 (June 12, 2026), Accession No. 20260612-5091; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Black Hills Power, Inc., Docket No. ER26-2811-000, Attachment K Section IX.G(1)(a)at 95-96 (June 12, 2026), Accession No. 20260612-508; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Cheyenne Light, Fuel, & Power Company, Docket No. ER26-2817-000, Attachment K Section IX.G(1)(a) at 95 (June 12, 2026), Accession No. 20260612-5101; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Deseret Power, Docket No. ER26-2805-000, Attachment K Section IX.G(1)(a) at 81(June 12, 2026), Accession No. 20260612-5061;

Likewise, its production cost savings provision requires studies to demonstrate "tangible" benefits "to the Transmission Provider" by showing that congestion relief would make lower-cost resources available through firm transmission service rights or capacity ownership.[44] These provisions exclude benefits realized by transmission customers and other market participants.

By focusing exclusively on benefits to the transmission provider, WestConnect's proposed analysis disregards benefits accruing to transmission customers, including non-affiliated generator

Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of El Paso Electric Company, Docket No. ER26-2806-000, Attachment K Section IX.G(1)(a) at 97 (June 12, 2026), Accession No. 20260612-5063; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Public Service Company of Colorado, Docket No. ER26-2801-000, Attachment R Section IX.G(1)(a) at 80 (June 12, 2026), Accession No. 20260612-5046;
Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Public Service Company of New Mexico, Docket No. ER26-2831-000, Attachment K, Section IX.G(1)(a) at 85 (June 12, 2026), Accession No. 20260615-5000; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Tri-State Generation and Transmission Association, Inc., Docket No. ER26-2822-000, Attachment K Section IX.G(1)(a) at 107 (June 12, 2026), Accession No. 20260612-5113; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Tucson Electric Power Company, Docket No. ER26-2803-000, Attachment K Section IX.G(1)(a) at 97 (June 12, 2026), Accession No. 20260612-5057; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of UNS Electric, Inc., Docket No. ER26-2804-000, Attachment K Section IX.G(1)(a) at 97-98 (June 12, 2026), Accession No. 20260612-5060.

[44] Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Arizona Public Service Company, Docket No. ER26-2828-00, Attachment E Section IX.G(1)(a) at 104 (June 12, 2026), Accession No. 20260612-5155; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Black Hills Colorado Electric Utility Company, LP, Docket No. ER26-2816-000, Attachment K Section IX.G(1)(a) at 97 (June 12, 2026), Accession No. 20260612-5091; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Black Hills Power, Inc., Docket No. ER26-2811-000, Attachment K Section IX.G(1)(a) at 97 (June 12, 2026), Accession No. 20260612-508; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Cheyenne Light, Fuel, & Power Company, Docket No. ER26-2817-000, Attachment K Section IX.G(1)(a) at 97 (June 12, 2026), Accession No. 20260612-5101; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Deseret Power, Docket No. ER26-2805-000, Attachment K Section IX.G(1)(a) at 83 (June 12, 2026), Accession No. 20260612-5061; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of El Paso Electric Company, Docket No. ER26-2806-000, Attachment K Section IX.G(1)(a) at 98 (June 12, 2026), Accession No. 20260612-5063; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Public Service Company of Colorado, Docket No. ER26-2801-000, Attachment R Section IX.G(1)(a) at 80 (June 12, 2026), Accession No. 20260612-5046; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Public Service Company of New Mexico, Docket No. ER26-2831-000, Attachment K Section IX.G(1)(a) at 86 (June 12, 2026), Accession No. 20260615-5000; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Tri-State Generation and Transmission Association, Inc., Docket No. ER26-2822-000, Attachment K Section IX.G(1)(a) at 109 (June 12, 2026), Accession No. 20260612-5113; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Tucson Electric Power Company, Docket No. ER26-2803-000, Attachment K Section IX.G(1)(a) at 97 (June 12, 2026), Accession No. 20260612-5057; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of UNS Electric, Inc., Docket No. ER26-2804-000, Attachment K Section IX.G at 97-98 (June 12, 2026), Accession No. 20260612-5060.

interconnection customers, non-Transmission Owning Load Serving Entities who are not Transmission Providers and are connected to WestConnect facilities, and large load customers.[45] Transmission investments commonly produce benefits across broad geographic areas and among numerous market participants, including production-cost savings, increased wholesale-market competition, avoided or deferred generation investment, lower customer costs, and improved service.[46] As the Brattle Group has documented, transmission investments provide benefits that "spread across wide geographic regions and multiple utility service areas and states and can significantly affect market participants ranging from generators to retail electricity customers."[47]

[45] In the WestConnect region, the definition of Transmission Provider includes the affiliated Transmission Customers (the Generator Owners and Load Serving Entities affiliated that are part of the same utility). However, this definition is not broad enough to incorporate *all* Transmission Customers, when compared to the Commission's *Pro Forma OATT - effective March 14, 2022. Pro Forma OATT - effective March 14, 2022* at 24 (Jan. 14, 2022), https://www.ferc.gov/media/pro-forma-oatt-effective-march-14-2022 (defining "transmission customer" as "Any Eligible Customer (or its Designated Agent) that (i) executes a Service Agreement, or (ii) requests in writing that the Transmission Provider file with the Commission, a proposed unexecuted Service Agreement to receive transmission service under Part II of the Tariff. This term is used in the Part I Common Service Provisions to include customers receiving transmission service under Part II and Part III of this Tariff").

[46] *See e.g.,* Judy W. Chang et al, *The Benefits of Electric Transmission: Identifying and Analyzing the Value of Investments*, The Brattle Group (July 2013) https://www.brattle.com/insights-events/publications/the-benefits-of-electric-transmission-identifying-and-analyzing-the-value-of-investments-3/; Johannes Pfeifenberger & Judy Change, *Well-Planned Electric Transmission Saves Customer Costs: Improved Transmission Planning is Key to the Transition to a Carbon Constrained Future*, The Brattle Group (June 2016), https://hepg.hks.harvard.edu/publications/well-planned-electric-transmission-saves-customer-costs-improved-transmission; and Johannes Pfeifenberger et al., *Transmission Planning for the 21st Century: Proven Practices that Increase Value and Reduce Costs*, The Brattle Group and Grid Strategies LLC, App'x C (October 2021), https://www.brattle.com/wp-content/uploads/2021/10/2021-10-12-Brattle-GridStrategies-Transmission-Planning-Report_v2.pdf (arguing transmission planning fails to adequately consider the full, wide range of benefits associated with transmission investments).

[47] Judy W. Chang et al, *The Benefits of Electric Transmission: Identifying and Analyzing the Value of Investments*, The Brattle Group at 4 (July 2013) ("For instance, electricity customers are likely to benefit from production cost savings (through reduced electricity bills from cost-of-service regulated utilities), from improved reliability (which increases the value of the received service), from an increase in wholesale power market competition (even if that reduces generator profits), from reduced resource adequacy requirements or a reduction in the capacity cost of new generating resources (which reduces electricity bills), and from the avoidance or deferral of transmission or generation investments that would need to be built in the absence of the proposed transmission investment (which provides an offset to the larger transmission projects' costs)", https://www.brattle.com/wp-content/uploads/2021/06/The-Benefits-of-Electric-Transmission-Identifying-and-Analyzing-the-Value-of-Investments.pdf.

Similarly, a Grid Strategies report has found that the average benefit-to-cost ratio of several high-capacity transmission projects was between 3.8 and 4.7, meaning "that for every $1 invested in these transmission lines, consumers receive between $3.80 to $4.70 in benefits."[48] All told, the analysis found that investment in high-capacity transmission could save residential consumers $6.3-10.4 billion per year across the United States.[49] These findings support evaluating transmission facilities from a regional perspective that captures benefits accruing to a broad range of market participants, rather than only to the sponsoring transmission provider.[50]

A tariff that recognizes only benefits to transmission providers understates the benefits of regional transmission facilities and excludes benefits that Order No. 1920 requires transmission providers to evaluate. The Commission should therefore direct the WestConnect transmission providers to revise their proposed tariffs to expressly provide that benefits will be evaluated and quantified based on the degree to which they accrue to both transmission providers and transmission customers. This revision is necessary to align WestConnect's benefits analysis with Order No. 1920 and prevent the improper exclusion of relevant regional and customer benefits.

IV. WestConnect's Addition of Three Additional Reevaluation Circumstances is not Consistent With or Superior to Order No. 1920 Given that Order No. 1920 has Narrowly Prescribed the Appropriate Circumstances for Reevaluation.

WestConnect's compliance filings violate Order No. 1920 by requiring reevaluation of previously selected Long-Term Regional Transmission Facilities in circumstances beyond those identified by the Commission. Order No. 1920 requires transmission providers to establish an

[48] Zach Zimmerman et al., *Large-Scale Transmission Deployment Saves Consumers Money*, Grid Strategies at 4 (June 2025) https://gridstrategiesllc.com/wp-content/uploads/GS_Transmission-Deployment-Saves-Consumers-Money.pdf.

[49] *Id.* at 1.

[50] Judy W. Chang et al, *The Benefits of Electric Transmission: Identifying and Analyzing the Value of Investments*, The Brattle Group, at vi (July 2013).

OATT reevaluation process that "ensures that any reevaluation of Long-Term Regional Transmission Facilities that have been selected will occur only in the circumstances that [the Commission has] described."[51] Order No. 1920-A confirms that reevaluation is limited to three circumstances: (1) delays in developing a selected Long-Term Regional Transmission Facility that would jeopardize a transmission provider's ability to meet its reliability needs or reliability-related service obligations; (2) actual or projected costs that significantly exceed the estimates relied upon when the facility was selected; or (3) significant changes in federal, federally recognized Tribal, state, or local laws or regulations that create reasonable concern that the facility may no longer satisfy the transmission provider's selection criteria.[52]

WestConnect nonetheless proposes three additional reevaluation triggers: (1) a transmission developer's failure to provide an annual development report, (2) a determination that the Long-Term Regional Transmission Need(s) no longer exists, and (3) a determination that the Long-Term Regional Transmission Facility no longer satisfies the minimum criteria for regional cost allocation.[53] These additional triggers are inconsistent with Order No. 1920 because the

[51] Order 1920 at P 747.

[52] Order No. 1920-A at P 471.

[53] Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Arizona Public Service Company, Docket No. ER26-2828-00, Attachment E, Section IX.O(3) at 121(June 12, 2026), Accession No. 20260612-5155; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Black Hills Colorado Electric Utility Company, LP, Docket No. ER26-2816-000, Attachment K Section IX.O(3) at 114-115 (June 12, 2026), Accession No. 20260612-5091; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Black Hills Power, Inc., Docket No. ER26-2811-000, Attachment K, Section IX.O(3) at 114-115 (June 12, 2026), Accession No. 20260612-508; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Cheyenne Light, Fuel, & Power Company, Docket No. ER26-2817-000, Attachment E, Section IX.O(3) at 114 (June 12, 2026), Accession No. 20260612-5101; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Deseret Power, Docket No. ER26-2805-000, Attachment K Section IX.O(3) at 99-100 (June 12, 2026), Accession No. 20260612-5061; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of El Paso Electric Company, Docket No. ER26-2806-000, Attachment K Section IX.O(3) at 114 (June 12, 2026), Accession No. 20260612-5063; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Public Service Company of Colorado, Docket No. ER26-2801-000, Attachment R Section IX.O(3) at 94-95 (June 12, 2026), Accession No. 20260612-5046; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Public Service Company of New Mexico, Docket No. ER26-2831-000, Attachment K Section IX.O(3) at 101-102 (June 12, 2026), Accession No. 20260615-5000; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Tri-State Generation

Commission limited reevaluation to the three prescribed circumstances. That limitation reflects the Commission's effort to balance the risk of overbuilding against the need for "the degree of certainty that is needed to support capital investment."[54] The Commission also rejected rehearing requests to allow reevaluations wherever there is a general "reduction in benefits" or a "change in transmission needs," recognizing that such open-ended triggers would undermine planning certainty.[55] WestConnect's additional triggers would create the prospect of repeated restudy and reconsideration cycles, frustrating the Commission's effort to remedy transmission planning processes that were not "keeping pace" with new infrastructure demands required to satisfy Long-Term Transmission Needs.[56]

Accordingly, the Commission should find that WestConnect's proposed reevaluation provisions are not consistent with or superior to Order No. 1920. The WestConnect transmission providers should be directed to revise their tariffs to limit reevaluation of selected Long-Term Regional Transmission Facilities to the three circumstances expressly prescribed by the Commission.

V. The Relevant State Entities' Proposed *Ex Ante* Cost Allocation and State Agreement Process is Consistent With or Superior to Order No. 1920.

The Commission should approve the alternative *ex ante* cost allocation methodology and State Agreement Process ("SAP") proposed by the WestConnect Relevant State Entities ("RSEs").

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and Transmission Association, Inc., Docket No. ER26-2822-000, Attachment K Section IX.O(3) at 130 (June 12, 2026), Accession No. 20260612-5113; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of Tucson Electric Power Company, Docket No. ER26-2803-000, Attachment K Section IX.O(3) at 115 (June 12, 2026), Accession No. 20260612-5057; Order Nos. 1920, 1920-A, and 1920-B Compliance Filings of UNS Electric, Inc., Docket No. ER26-2804-000, Attachment K Section IX.O(3) at 115-116 (June 12, 2026), Accession No. 20260612-5060.

[54] Order No. 1920-A at P 497.

[55] *Id.*

[56] Order No. 1920 at P 228.

Order No. 1920-A requires transmission providers to include in their compliance filings any cost allocation method or SAP agreed to by RSEs, even where the transmission providers prefer a different approach. Consistent with that requirement, WestConnect transmission providers included the RSEs' proposals as Exhibits C and D to their transmittal letter.[57]

Order 1920 requires transmission planning entities to allocate the costs of new transmission facilities in a manner that reflects the benefits received—often described as the "beneficiary-pays principle."[58] The Commission emphasized that "any cost allocation method applied to a Long-Term Regional Transmission Facility must ensure that costs are allocated in a manner that is at least roughly commensurate with the estimated benefits of the facility, consistent with cost causation and court precedent."[59] The Commission also recognized that holistic regional planning and benefit-based cost allocation are necessary to address transmission owners' incentives to exercise market power and protect affiliated generation facilities.[60]

The Commission and reviewing courts have previously addressed the challenges posed by allocating costs between jurisdictional and non-jurisdictional utilities in WestConnect. In *El Paso Electric Company v. FERC*, the Fifth Circuit vacated a WestConnect cost allocation framework

[57] Exhibits C and D in WestConnect Compliance Filings.
[58] Order No. 1920 at P 5-7.
[59] *Id.* at P 1305.
[60] *New York v FERC,* 535 U.S. 1, 8 (2002) ("The utilities' control of transmission facilities gives them the power either to refuse to deliver energy produced by competitors or to deliver competitors' power on terms and conditions less favorable than those they apply to their own transmissions."); *Transmission Access Pol'y Study Group v. FERC*, 225 F.3d 667, 684 (D.C. Cir. 2000) ("[T]ransmission-owning utilities thus can be expected to act in their own interest to maintain their monopoly and to use that position to retain or expand the market share for their own generated electricity, even if they do so at the expense of lower-cost generation companies and consumers"); *Order No. 888 Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities and Recovery of Stranded Costs by Public Utilities and Transmitting Utilities*, 75 FERC ¶ 61,080 at 21,546 (1996) ("The most likely route to market power in today's electric utility industry lies through ownership or control of transmission facilities. Usually, the source of market power is dominant or exclusive ownership of the facilities."); Order No. 890 at P 422 ("We cannot rely on the self-interest of transmission providers to expand the grid in a nondiscriminatory manner."); Order No. 1000 at P 256 ("It is not in the economic self-interest of incumbent transmission providers to permit new entrants to develop transmission facilities").

that did not allocate costs to non-jurisdictional utilities, concluding that the Commission had not applied the foundational cost-causation principle to nearly half of the utilities in the region.[61] The court further found that the Commission did not adequately explain why the non-jurisdictional utilities would participate in binding cost allocation when they could receive many of the same regional benefits at the expense of jurisdictional utilities.[62]

The RSEs' ex ante proposal, developed through the Committee on Regional Electric Power Cooperation ("CREPC") 1920 Ad Hoc Committee, utilizes a three-step framework to align costs with benefits. First, a capacity subscription process allows entities to voluntarily purchase and fund transmission capacity associated with a project, thereby providing a market-based signal that may capture benefits not otherwise quantified. Second, the remaining costs are allocated among transmission providers based seven required benefits. Third, a zonal distribution-factor methodology assigns costs based on responsibility for energy flows, ensuring that entities physically using the facility contribute to its cost. This multi-layered framework is more likely to ensure that utility customers pay only their "fair share" and no more, fulfilling the core requirement that cost allocation be "roughly commensurate" with benefits. By contrast, WestConnect's proposed approach relies on apportioning costs only among the Commission's jurisdictional utilities, which fails to adequately account for the intertwined nature of the Western grid, in which non-jurisdictional utilities often benefit from regional projects and runs counter to the *El Paso* decision.

Because WestConnect's proposal does not adopt an SAP, the RSEs propose a comprehensive SAP that provides a safeguard against inequitable cost allocation. The proposed process would allow states, within six months after a facility's selection, to meet and agree on an

[61] *See generally El Paso Elec. Co. v. FERC*, 832 F.3d 495 (5th Cir. 2016).
[62] *El Paso Elec. Co. v. FERC*, 832 F.3d 495 at 505 (5th Cir. 2016).

alternative cost allocation method for that facility. It also establishes clear decision-making criteria: unanimity for individual projects and a 75 percent supermajority, weighted by load, for project portfolios. Such a mechanism is particularly important in a non-RTO region like WestConnect, where states lack a centralized regional planning body and must rely on negotiated arrangements to ensure that regional transmission expansion does not lead to unbalanced cost allocations.

PIOs urge the Commission to require WestConnect to clarify whether the RSEs intend the SAP to permit deselection of previously selected facilities. Exhibit C Section 1.5.2 states, "If, during the State Agreement Process, the Participants conclude that non-Enrolled Transmission Providers will significantly benefit from the Eligible Cost Allocation Project, the Participants may vote to recommend that the Enrolled Transmission Providers rescind the decision to select that Eligible Cost Allocation Project."[63] Because project selection takes place during the planning process than the cost-allocation process, this rescission provision appears misplaced in the SAP and may conflict with Order No. 1920's separate requirements governing project selection and reevaluation.

The RSEs' proposals represent more than a year and a half of collaborative analysis by state regulators and energy officials from across the West. These frameworks promote transparency, flexibility, and equity and are specifically tailored to address the Western Interconnection's distinctive jurisdictional and geographic characteristics. The Commission should therefore reject WestConnect's ex ante methodology and direct WestConnect's transmission providers to incorporate the RSEs' proposed *ex ante* methodology and State Agreement Process into their tariffs.

[63] Exhibit C in WestConnect's compliance filings.

VI. CONCLUSION

For the foregoing reasons, PIOs respectfully request that the Commission issue a deficiency letter directing the WestConnect Transmission Owners to address the deficiencies identified above. Alternatively, the Commission should accept the compliance filings in part, reject the provisions challenged in this limited protest, and direct the WestConnect Transmission Owners to submit a further compliance filing consistent with Order Nos. 1920 and 1920-A.

Dated: August 5, 2026

Respectfully submitted,

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Western Resource Advocates has timely intervened in Docket Numbers ER26-2801-000, ER26-2828-000, and ER26-2822-000. Western Resource Advocates has not intervened and does not seek to intervene through this limited protest in the remaining WestConnect Order No. 1920 compliance dockets.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been served in accordance with 18 C.F.R. § 385.2010 upon each party designated on the official service list in this proceeding, by email.

Dated: August 5, 2026.

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