UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Midcontinent Independent System Operator, Inc.	)	
Building for the Future Through Electric Regional Transmission Planning and Cost Allocation	)	Docket No. ER26-2825-000

LIMITED PROTEST AND COMMENTS OF SIERRA CLUB, NATURAL RESOURCES DEFENSE COUNCIL, SUSTAINABLE FERC PROJECT, UNION OF CONCERNED SCIENTISTS, CLEAN WISCONSIN, ENVIRONMENTAL LAW AND POLICY CENTER, CLEAN GRID ALLIANCE, MIDWEST TRIBAL ENERGY RESOURCES ASSOCIATION, RENEW MISSOURI, FRESH ENERGY, AND SOUTHERN RENEWABLE ENERGY ASSOCIATION

Pursuant to Rule 211 of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice and Procedure,[1] Sierra Club, Natural Resources Defense Council, Sustainable FERC Project, Union of Concerned Scientists, Clean Wisconsin, Environmental Law and Policy Center, Clean Grid Alliance, Midwest Tribal Energy Resources Association ("MTERA"), Renew Missouri, Fresh Energy, and the Southern Renewable Energy Association (collectively "Clean Energy Advocates" or "CEAs")[2] submit this limited protest and comments on the June 12,

[1] 18 C.F.R. §§ 385.211.

[2] A subset of these organizations–Sierra Club, Clean Wisconsin, Fresh Energy, Natural Resources Defense Council, Sustainable FERC Project, and Union of Concerned Scientists–filed a Motion For Extension of Time to Submit Comments and Request for Order in this docket collectively identified as Public Interest Organizations or "PIOs." *See* Motion For Extension of

2026 filings ("compliance filing")[3] submitted by the Midcontinent Independent System Operator Inc. ("MISO") to comply with the Commission's Order 1920, as modified by Order Nos. 1920-A and 1920-B.[4]

MISO has a laudable history of sophisticated long-range transmission planning and, as noted in its compliance filing, many of MISO's planning practices served as the basis for Order 1920 reforms.[5] And MISO's compliance filing further strengthens the region's proven long-range transmission planning process, and will result in a more efficiently planned transmission system that better serves MISO customers. Yet, as discussed below, MISO's filing does not meet all of the requirements of Order 1920. Specifically, MISO misses the mark by: 1) failing to include a requirement to conduct an extreme weather sensitivity on each scenario; 2) allowing non-compliant scenarios to be used for transmission planning purposes; 3) failing to properly implement all of Order 1920's reevaluation provisions; 4) failing to fully implement Order 1920's local planning transparency requirements; 5) declining to set an RTO-wide rightsizing threshold as required by

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Time to Submit Comments and Request for Order, ER26-2825, Ascension No. 20260623-5049 (June 23, 2026).

[3] ER26-2825, Accession No. 20260612-5130 (June 12, 2026).

[4] *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, 187 FERC ¶ 61,068 (May 13, 2024) ("Order 1920"), *order on reh'g and clarification*, 189 FERC ¶ 61,126 (Nov. 21, 2024) ("Order 1920-A"), *order on reh'g and clarification*, 191 FERC ¶ 61,026 (Apr. 11, 2025) ("Order 1920-B").

[5] *See* Midcontinent Independent System Operator, Inc., Regional Compliance Filing for Order Nos. 1920 et al., Accession No. 20260612-5130, Transmittal Letter at 5-6 (June 12, 2026) [hereinafter "Transmittal Letter"].

Order 1920; and 6) improperly considering state, tribal or local law in factor category four when considering the seven required factor categories. Accordingly, CEAs request that the Commission accept MISO's compliance filing in part, but reject the specific aspects described in this limited protest and direct further compliance.

Introduction

As the Commission found in Order 1920, a robust long-term transmission planning process can ensure "more efficient or cost-effective transmission solutions" and more affordable rates for customers.[6] As MISO notes in its compliance filing, many elements of Order 1920 were drawn from preexisting MISO long-range transmission planning processes.[7] Indeed, MISO's existing long-range planning processes have, and will, save customers significant costs. MISO's first tranche of long-range transmission projects are estimated to provide between $23.2 and 52.2 billion dollars of net benefits for customers,[8] and MISO's second tranche is estimated to provide an additional $23.1-$83.2 billion dollars of net benefits.[9] These long-range transmission portfolios will save ratepayers money,

[6] Order 1920 at P 89.
[7] Transmittal Letter at 5-6.
[8] MISO, LRTP Tranche 1 Portfolio Detailed Business Case, (Jun. 25, 2022), *available at* https://cdn.misoenergy.org/LRTP%20Tranche%201%20Detailed%20Business%20Case625789.pdf.
[9] MISO, LRTP Tranche 2.1 Benefits Analysis Results Review, (Sep. 25, 2024), *available at* https://cdn.misoenergy.org/20240925%20LRTP%20Workshop%20Item%2001%20Tranche%202.1%20Business%20Case%20Overview649810.pdf.

result in a more reliable bulk power system, and enable diversification of the resource fleet and expanded access to low-cost or zero-marginal cost clean energy resources to support state and utility resource goals.

But Order 1920 did not just draw from MISO's long-range transmission planning process, it sourced transmission planning best practices from a diverse set of comments and from regions across the country. The result was a rule which requires MISO to improve upon its long-range transmission planning processes. And indeed, MISO's compliance filing contains enhancements which will make the long-range transmission planning process more robust and beneficial for ratepayers. On compliance, MISO is submitting tariff revisions that will explicitly require considerations of the seven required factors to ensure robust futures models are created[10] and consider the seven required benefits to ensure a more fulsome consideration of transmission benefits. MISO's compliance filing will also better consider how generator interconnection patterns might identify transmission needs.

Yet MISO's compliance filing is not fully compliant with the requirement of Order 1920. MISO's compliance filing fails to include a requirement to conduct an extreme weather sensitivity on each scenario, allows non-compliant scenarios to be used for transmission planning purposes, fails to properly implement all of Order

[10] Although CEAs note that MISO's characterization of factor category four is not compliant with Order 1920, as discussed *infra* at 24-28.

1920's reevaluation provisions, does not fully implement 1920's local planning transparency requirements, improperly declines to set an RTO-wide rightsizing threshold as required, and mischaracterizes factor category four when considering the seven required factor categories. These failures will result in a transmission planning process that will not "maximize benefits accounting for costs over time without over-building transmission facilities."[11] CEAs raised these deficiencies with MISO during the stakeholder process,[12] but MISO failed to correct them in its compliance filing.

CEAs also note that tribal groups, including MTERA, have expressed concerns that MISO's engagement with tribes has not provided tribes sufficient structures for engagement, resulting in a transmission planning process which might not fully consider transmission needs driven by tribal policy. MTERA is an intertribal organization representing Tribes in Minnesota, Wisconsin, Michigan, and Illinois and has been a MISO Environmental Sector Member since March of 2026. And while MTERA participating as a MISO stakeholder is a positive step in fostering robust communications between MISO and tribes, it is neither the direct

[11] Order 1920 at P 964.

[12] *See* Environmental Sector Stakeholder comments posted in the April 22, Planning Advisory Committee meeting materials under "Order 1920 Informal Feedback Stakeholder Comments.zip," *available at* https://www.misoenergy.org/events/2026/planning-advisory-committee-pac---april-22-2026/. These comments were submitted by the MISO Environmental Sector. All CEAs are members of the Environmental Sector and all Sector members, including all CEAs endorsed the stakeholder comments submitted to MISO.

tribal engagement Order 1920 requires, nor currently structured enough to ensure proper accounting of tribal policy in long-range transmission planning. Tribes are sovereign nations with their own regulatory authorities, and direction from the Commission for MISO to set up communications structures that are at least as robust as those between MISO and the Organization of MISO States could help to ensure tribal policies are properly accounted for in long-range transmission planning scenarios.

These identified deficiencies must be corrected before the Commission accepts MISO's compliance filing, and MISO must commit to a robust engagement with both stakeholders and governments to ensure just and reasonable rates.

Discussion

I. Standard of Review

On compliance, the Commission evaluates whether proposed revisions comply with or deviate from the rule's requirements. In Order 1920, the Commission determined that where a transmission provider proposes a provision that deviates from the Final Rule, the Commission will apply the "consistent with or superior" standard. In deciding to apply the "consistent with or superior" standard to Order 1920 compliance filings, the Commission specifically rejected requests from Regional Transmission Organizations that the Commission instead

apply the more permissive independent entity variation standard.[13] The Commission reasoned that, in choosing the "consistent with or superior" standard, it "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[.]"[14] The Commission clarified in Order 1920-A that the "consistent with or superior" standard would apply to "all requirements of Order No. 1920."[15]

II. MISO's Proposed Use of Sensitivities Does Not Meet Order 1920 Requirements.

Order 1920 requires that transmission providers develop plausible and diverse long-term scenarios, and create a sensitivity for each such scenario to enable the identification of transmission solutions that provide value to customers in low-frequency, high-impact extreme weather events. Because MISO's compliance filing does not require that at least one sensitivity it applies to each scenario will consider such a low-frequency, high-impact event, MISO's compliance filing is not consistent with or superior to the requirements of Order 1920.

[13] Order 1920 at P 1772; Order 1920-A at P 918.
[14] Order 1920-A at P 919.
[15] *Id.* at P 921.

Order 1920 requires transmission providers to develop at least one sensitivity to account for long-range transmission needs associated with multiple concurrent and sustained generation and/or transmission outages due to an extreme weather event across a wide area.[16] As the Commission explained, analyzing such a scenario is important to "enable transmission providers to better account for periods when regional transmission facilities may have particularly high value by decreasing the risk of loss of load and/or decreasing the cost to reliably serve load."[17] The Commission found that it was necessary to "clearly defin[e] the type of system conditions that transmission providers must model"[18] as an extreme weather event that leads to concurrent and sustained transmission and generation outages in order to "give[] transmission providers more direct guidance on how to comply with the requirements of [Order 1920]."[19] Transmission providers were given flexibility about when in the evaluation process to analyze the sensitivity, but the Commission was clear that the sensitivity must be used to *identify* potential additional transmission solutions, not simply to evaluate the benefits of the solutions already selected.[20]

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[16] *See* Order 1920 at P 593-601.
[17] *Id.* at P 593; *see also id.* at P 94 (recognizing record evidence from Lawrence Berkeley National Labs showing that "50% of the value created by alleviating transmission system congestion occurs during only 5% of the hours during which the transmission system is used.").
[18] Order 1920 at P 593.
[19] *Id.* at P 596.
[20] *Id.* at P 594 (explaining that the sensitivity could be analyzed before other potential solutions were identified "because it may help transmission providers to identify such solutions" or after

On rehearing, the Commission emphasized the importance of a sensitivity testing for high-impact, low-frequency extreme weather events that result in multiple concurrent and sustained generation and/or transmission outages across a wide area. PJM requested additional flexibility in designing the sensitivity applied to each scenario–a request which the Commission rejected.[21] The Commission found that "extreme weather events have occurred more frequently in recent years, represent periods during which regional transmission facilities have particularly high value, and create stressed system conditions that transmission providers can readily compare with non-stressed scenarios to determine the value of specific transmission facilities under these types of conditions."[22] The Commission emphasized that to the extent transmission providers believe that additional sensitivities would help in long-term transmission planning efforts, such sensitivities could be assessed *in addition* to the extreme weather sensitivity.[23]

MISO's proposed tariff revisions on compliance do not include an extreme weather sensitivity. MISO states it "will conduct, at a minimum, one sensitivity on each distinct planning scenario that will test the ability of the three scenarios to provide sufficient breadth of plausible uncertainties in scenario inputs."[24] MISO

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other potential solutions because transmission providers could use the sensitivity to "develop additional or alternative regional transmission solutions").

[21] Order 1920-A at P 368.

[22] *Id.*

[23] *Id.*

[24] Transmittal Letter at 21.

makes clear that this broad language was chosen deliberately because MISO does not always intend to conduct an extreme weather sensitivity, and notes that it will only conduct an extreme weather sensitivity "[d]epending on the subregion and planning objectives under consideration."[25] To be sure, MISO's plan to use sensitivities to evaluate transmission needs under different "seasonal and peak load levels, weather conditions, renewable generation output, generator retirements and additions, fuel prices, electrification trends, demand growth, transmission outage assumptions, and other factors"[26] will help enhance the transmission planning process. But Order 1920 and 1920-A are clear that such sensitivities must be evaluated *in addition to* an extreme weather event sensitivity.

MISO's proposed tariff revisions do suggest that an extreme weather sensitivity will be used to evaluate transmission *benefits*. MISO's tariff submission states that it will calculate the benefits of "high impact, low frequency extreme events … using sensitivity scenarios that reflect concurrent and sustained outages from weather and non-weather-related events and the increased regional and interregional transfer capability from the added regional transmission."[27] But it proposes to do so as part of its benefit to cost ratio analysis. The benefit to cost

[25] *Id.* at 21-22.
[26] *Id.* at 21.
[27] *See* Midcontinent Independent System Operator, Inc., Regional Compliance Filing for Order Nos. 1920 et al., Accession No. 20260612-5130, Tab A – Redline Tariff Sheets at 84-85, Attachment FF, Section II.C.5.g (June 12, 2026) [hereinafter "Tariff Redlines"].

ratio is used exclusively for *evaluating* proposed solutions, not for *identifying* transmission solutions. As such, the reference to an extreme weather sensitivity does not resolve MISO's deficiency. Order 1920 is clear that the extreme weather sensitivity must be used to "identify[] potential regional transmission solutions" or "develop additional or alternative regional transmission solutions."[28] MISO must use the extreme weather sensitivity to consider transmission needs and potential solutions to meet those needs, not simply recognize the extreme weather benefits that transmission facilities designed to meet other needs will incidentally provide.

Because MISO's tariff does not require the evaluation of an extreme weather sensitivity when identifying potential regional transmission solutions, it is not consistent with or superior to the requirements of Order 1920. The Commission should direct MISO to refile tariff language that is compliant.

III. MISO's Proposed Tariff Fails to Ensure that Scenarios Requested by Relevant State Entities Can Only Be Used for Transmission Planning if They Meet the Order 1920 Requirements.

Order 1920-A gave Relevant State Entities an additional tool in determining appropriate ex-ante or State Agreement Process cost allocation schemes by allowing Relevant State Entities to request new, additional scenarios beyond those developed by the transmission planner to inform cost allocation. But Order 1920-A also made clear that additional scenarios that did not otherwise meet the

[28] Order 1920 at P 594.

requirements of Order 1920 could *only* be used for cost allocation, not planning purposes. Because MISO's proposed tariff language does not enforce this firewall, it is not consistent with or superior to Order 1920-A.

Order 1920-A clarified that "transmission providers may develop additional scenarios, beyond the three Long-Term Scenarios that Order No. 1920 requires, to provide Relevant State Entities with information that they can use to inform [cost allocation]."[29] The Commission noted that "when developing these additional analyses or scenarios used to inform cost allocation, transmission providers have the flexibility to depart from Order No. 1920's requirements related to the development of Long-Term Scenarios," but noted that "transmission providers may not use any such [non-compliant] additional analyses to identify Long-Term Transmission Needs, identify Long-Term Regional Transmission Facilities, or to meet the requirement that transmission providers estimate the costs and measure the benefits of Long-Term Regional Transmission Facilities for purposes of selection."[30] Order 1920-A was also clear that any additional scenarios requested by Relevant State Entities–be they compliant and used for transmission planning, or non-compliant and used solely for cost allocation–should be just that: additional. As the Commission explained, "Order No. 1920 allows transmission providers to

[29] Order 1920-A at P 365.
[30] *Id.* at 366.

conduct analyses *in addition* to those required by Order No. 1920—including *additional* scenarios or sensitivities—at the transmission providers' discretion or at the request of the transmission planning region's Relevant State Entities and/or other stakeholders."[31]

MISO proposes to give effect to these requirement of Order 1920-A with a tariff provision that states:

> If the OMS Committee wishes for the Transmission Provider to develop additional scenario(s) for long-term regional transmission planning or long-term regional cost allocation, and submits such request in a timely manner, then the Transmission Provider will develop a reasonable number of additional scenarios, or otherwise modify a scenario to meet the desired needs, in collaboration with the OMS Committee.[32]

But this provision does not ensure non-compliant scenarios will only be used for cost allocation purposes. The tariff provision reads that if the OMS Committee requests that MISO develop additional scenarios "for long-term regional transmission planning *or* long-term regional cost allocation" MISO "*will* develop a reasonable number of additional scenarios, or otherwise modify a scenario *to meet the desired needs*."[33] The proposed tariff language would require that MISO develop additional scenarios for planning purposes if that is the desired need articulated by the OMS Committee, without a guardrail ensuring that MISO would

[31] *Id.* at 364 (emphasis added).
[32] Tariff Redlines at 60, Attachment FF, Section II.C.i.15.a.ii.
[33] *Id.* (emphasis added).

only use such a scenario if it otherwise complied with Order 1920's requirements. MISO cannot simply meet OMS Committee's desired needs if such needs conflict with the requirements of Order 1920.

The Commission should reject this component of MISO's filing and direct MISO to clarify upon further compliance that MISO would only use an additional scenario developed at the request of the OMS committee for transmission planning purposes if the resulting scenario was compliant with the requirements of Order 1920.

MISO's proposed tariff language is also non-compliant because it permits MISO to "modify" a scenario, rather than create new scenarios, in response to OMS Committee feedback.[34] Order 1920-A is clear that the requests for different scenarios by the relevant state entities must be *additional* analyses. But the tariff language would allow MISO to "modify" an existing scenario to meet an OMS Committee request. Modification of an existing scenario can be used as a basis for a new, additional scenario. But Order 1920-A does not allow relevant state entities to simply modify any of the three scenarios constructed by the transmission provider.

The Commission should direct MISO to clarify upon further compliance that any modification of a scenario developed at the request of the OMS committee is

[34] *Id.*

considered an additional scenario, and in no instance can replace one of the three required scenarios designed to meet the requirements of Order 1920.

IV. MISO's Proposed Tariff Revisions Do Not Comply with Order 1920's Reevaluation Provisions.

In Order 1920, the Commission went to great lengths to ensure that its reevaluation requirements "[struck] a reasonable balance between providing adequate certainty to transmission developers to support capital investment … and mitigating the inherent uncertainty involved in Long-Term Regional Transmission Planning."[35] In order to meet this balance, the Commission directed transmission providers to enumerate in their tariffs limited situations in which a previously selected long-term regional transmission project could be reevaluated. To ensure that transmission planners continued to maximize benefits while accounting for costs and that transmission providers would be "comparing the relevant costs and benefits,"[36] "reevaluation on the basis of cost increases or significant changes in federal, federally-recognized Tribal, state, or local laws or regulations must be part of a subsequent Long-Term Regional Transmission Planning cycle following selection and must take into account not only the updated costs but also the updated benefits of the Long-Term Regional Transmission Facility."[37] Updating benefits is a complex process, and so the Commission further "require[d]

[35] Order 1920-A at P 497.
[36] Order 1920 at P 1059.
[37] *Id*. at P 1052.

reevaluation on the basis of cost escalations or of changes in federal, federally-recognized Tribal, state, or local laws and regulations to occur as part of a subsequent Long-Term Regional Transmission Planning cycle."[38]

On rehearing, the Commission reaffirmed its reevaluation requirements. The Commission rejected arguments that its requirement to consider updated benefits would be incompatible with regions, like MISO, that select projects based on a portfolio approach. The Commission noted that "transmission providers have significant flexibility to determine how to update benefits, and they may propose to use a method that accommodates Order No. 1920's reevaluation requirements in the context of portfolio approaches to selecting Long-Term Regional Transmission Facilities."[39]

MISO's compliance filing fails to meet the requirement of Order 1920 to consider updated benefits, which must be calculated in subsequent long-term transmission planning cycles, when considering updated costs. When CEAs noted these concerns to MISO as MISO was developing its proposed tariff language, MISO demurred that providing updated benefits was impracticable given its portfolio-approach to considering benefits. But Order 1920-A was clear: transmission planners can both utilize a portfolio-based approach *and* meet the

[38] *Id.* at P 1059.
[39] Order 1920-A at P 501.

obligation to consider updated benefits when reevaluating projects due to significant policy changes or increased costs.

MISO's filing also fails to meet the time-based limits on project reevaluation. In order to ensure sufficient certainty for transmission developers, the Commission also put a temporal "collar" around reevaluation of transmission projects due to significant change in laws or regulations creating reasonable concerns that a facility might no longer meet the transmission provider's selection criteria. The Commission required that policy-changed based reevaluation must meet two tests: it could only occur 1) "for facilities with a targeted in-service date that is in the latter half of the Long-Term Regional Transmission Planning cycle in which it is selected" and 2) "may only occur up to the 'pencils-down' point in the facility's development."[40] This "pencils-down" point is a time, selected by the transmission provider, "after which all selected Long-Term Regional Transmission Facilities will no longer be subject to reevaluation, such that the transmission developer of the selected Long-Term Regional Transmission Facility has adequate certainty to make investment decisions."[41]

MISO put only one half of the collar on reevaluation provisions for projects facing reevaluation due to changes in laws or regulations. MISO does, properly,

[40] *Id.* at P 498.
[41] Order 1920 at P 1050.

restrict reevaluation to projects with targeted in-service dates in the latter half of the 20-year transmission planning horizon in which the project was selected.[42] But the tariff fails to specify a "pencils down" point for when such reevaluation can occur. This risks projects being inappropriately reevaluated on the basis of a change in policy too close to a project's in service date, in conflict with Order 1920 requirements.

Given these divergences from Order 1920, the Commission should reject this component of MISO's filing. The Commission should direct MISO to submit upon further compliance a proposal that will consider updated benefits when reevaluating a project due to increased costs, and a clearly defined "pencils down" point for reevaluating solutions.

V. MISO's Proposed Tariff Revisions Do Not Meet Order 1920's Requirements With Regard to Local Planning Processes.

The Commission determined in Order 1920 that "existing requirements governing transparency in local transmission planning processes and coordination between local and regional transmission planning processes are unjust, unreasonable, and unduly discriminatory or preferential."[43] The Commission found that additional requirements were needed to ensure local transmission planning processes were transparent and allowed for meaningful stakeholder engagement.

[42] Tariff Redlines at 230, Attachment FF, Section IX.D.2.1.G.
[43] Order 1920 at P 1569.

MISO's filing does not meet the requirements Order 1920 laid out to ensure such transparency and stakeholder accountability.

Order 1920 "require[s] that the regional transmission planning process include at least three publicly-noticed stakeholder meetings per regional transmission planning cycle concerning the local transmission planning process of each transmission provider that is a member of the transmission planning region."[44] These meetings are to take place *before* local planning information is submitted and integrated into the regional plan.[45] Each of the three meetings has a different, sequenced focus: The first meeting is to "review the criteria, assumptions, and models related to each transmission provider's local transmission planning," the second to "review identified reliability criteria violations and other transmission needs that drive the need for local transmission facilities," and the third to "review potential solutions to those reliability criteria violations and other transmission needs."[46] Each meeting must be scheduled at least 25 days after the previous meeting in the sequence, and meeting materials must be posted no fewer than five calendar days before the meetings.[47] The Commission also required that the transmission provider accept comments as part of the local planning process, and directed that "transmission providers must respond to questions or comments from

[44] *Id* at P 1626.
[45] *Id.* at P 1627.
[46] *Id.*
[47] *Id.*

stakeholders such that it allows stakeholders to meaningfully participate in these three required stakeholder meetings."[48] This includes a minimum of 25 calendar days after the third solutions meeting during which stakeholders can submit comments.[49]

MISO does not include these requirements in its tariff. MISO implements most of its local and regional planning coordination through Sub-regional Planning Meetings ("SPMs"). These meetings consider local planning processes in West, Central, South, and East sub-regions of MISO. Contrary to the requirements of Order 1920, MISO's tariff only requires each SPM to meet twice per year.[50] In its transmittal letter MISO notes its Business Practices Manual ("BPM") sets the frequency of SPM meetings at three times per year.[51]

But inclusion in a BPM is not sufficient. As the Commission has previously explained, "[d]ecisions regarding whether an item should be placed in an RTO/ISO tariff or in a business practice manual are guided by the rule of reason, under which provisions that 'significantly affect rates, terms, and conditions' of service, are readily susceptible of specification, and are not generally understood in a

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[48] *Id.* at P 1628.
[49] *Id.*
[50] Tariff Redlines at 47, Attachment FF, Section I.C.i.2.c.ii.h ("SPM Frequency, Location and Agenda: SPMs should meet at least two times per year or as otherwise provided for in the TPBPM, to provide input in the planning process, review plans and recommend changes, if any, needed to address stakeholder needs and to coordinate proposed plans.").
[51] Transmittal Letter at 51.

contractual agreement must be included in the tariff, while items better classified as implementation details may be included in the business practice manual."[52]

The rule of reason requires inclusion of these details in the MISO tariff. The Commission found in Order 1920 that a minimum of three local planning meetings are needed to ensure just and reasonable rates, meaning that the practice significantly affects rates. The Commission was able to specify in Order 1920 remedial provisions, which inherently proves that these provisions are susceptible of specification. And the details of how local planning processes occur is not a matter so generally understood so as to render recitation superfluous, as proven by the Commission's need to set new requirements.

MISO's compliance filing also references Attachment FF, Section I.C.15.b to argue it complies with the requirement for three stakeholder meetings as part of the local planning process.[53] But Attachment FF Section I.C.15.b simply requires the *long term* planning process includes at least three publicly noticed stakeholder meetings.[54] It does not require that *local* planning processes include three meetings, or meet the sequential assumptions, needs, and solutions meeting

[52] *New York Indep. Sys. Operator, Inc*., 179 FERC ¶ 61,102 at P 106 (2022).
[53] Transmittal Letter at 51.
[54] Tariff Redlines at 58-59, Attachment FF, Section I.C.15 ("Solutions to *long term transmission needs* will be evaluated and developed in the Transmission Provider's transmission planning process in accordance with this Attachment FF and subject to the following requirements: … The transmission planning process will include at least three publicly noticed stakeholder meetings per regional transmission planning cycle." (emphasis added)).

framework, commenting requirements, or scheduling requirements laid out in Order 1920.

Finally, some transmission owners in MISO–specifically American Transmission Company and MidAmerican Energy Company–have separate local planning processes that are not included in Attachment FF.[55] MISO's proposed tariff revisions also do not address how these separate local planning processes discussed in distinct tariff sections will comply with the requirements of Order 1920.

Because MISO's proposed tariff provisions do not reflect Order 1920's requirements with respect to local planning requirements, the Commission should reject these elements of MISO's compliance filing and direct MISO to file compliant tariff revisions.

VI. MISO's Proposed Tariff Revisions Do Not Propose a Right Sizing Threshold as Required by Order 1920.

In Order 1920, the Commission found that "right-sizing" transmission facilities "has the potential to both meet an individual transmission provider's responsibility to maintain the reliability of its existing transmission system and address a Long-Term Transmission Need more efficiently or cost-effectively than

[55] *See* MISO Tariff, Attachment FF-4, FF-5; *see also Midwest Indep. Transmission Sys. Operator, Inc.*, 123 FERC ¶ 61,164 (2008) (discussing how in its Order 890 compliance, MISO saw many of its Transmission Owners integrate their local planning processes, but some Transmission Owners did not).

an in-kind replacement transmission facility or another Long-Term Regional Transmission Facility," and instituted right-sizing requirements to ensure rates would not be unjust and unreasonable.[56] The Commission defined rightsizing as "modifying a transmission provider's in-kind replacement of an existing transmission facility to increase that facility's transfer capability"[57] and directed Transmission Providers to "propose on compliance a threshold that does not exceed 200 kV"[58] that would be used to determine which transmission facilities would need to be assessed for right-sizing solutions. Transmission providers are required to "propose a point sufficiently early in each Long Term Regional Transmission Planning cycle at which each individual transmission provider in the transmission planning region will submit its in-kind replacement estimates" for all facilities that will be replaced in the next 10 years, and which are at or above the specified threshold.[59] Such reporting allows right-sized replacements to be identified in the regional planning process, instead of simply conducting an in-kind replacement.

On compliance MISO has failed to propose a rightsizing threshold. Instead, MISO allows each transmission owner to define a rightsizing voltage threshold for

[56] Order 1920 at P 1682.
[57] *Id.* at P 1678.
[58] *Id.* at P 1683.
[59] *Id.* at P 1681.

itself.[60] Such an approach does not conform with Order 1920's requirements. The Commission identified RTOs as being responsible for setting an RTO-wide threshold.[61] CEAs request the Commission direct MISO on further compliance to either set a 115 kV right–sizing threshold or else justify why another threshold at or below 200 kV would be a superior threshold.

VII. MISO's Proposed Tariff Revisions Do Not Properly Reflect Factor Category Four.

Order 1920 requires Transmission Providers to construct at least three plausible and diverse scenarios modeling possible futures, and from those models identify long-term transmission needs. In developing such scenarios, the Commission identified seven categories of factors that affect Long-Term Transmission Needs.[62] MISO's proposed tariff on compliance does not properly articulate factor category four—Trends in Technology and Fuel Costs Within and Outside of the Electricity Supply Industry—because it impermissibly places elements of factor categories one or two—the factors reflecting federal, state, tribal, and local laws—into factor four.

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[60] Tariff Redlines at 38, Attachment FF, Section I.C.i.1.a.x (noting that the transmission planning process will identify possible right-sizing candidates "operated above a minimum kV threshold established by the *Transmission Owner*." (emphasis added)).

[61] *See*, e.g., Order 1920 at P 1684 ("[T]he maximum kV threshold that we adopt allows flexibility for transmission providers, like ISO-NE, to tailor their proposed kV threshold to their specific transmission planning regions (as long as the threshold they apply is equal or lower than 200 kV)[.]").

[62] Order 1920 at PP 387-484.

In Order 1920, the Commission found that Transmission Providers would need to consider at least seven enumerated categories of factors "to ensure that transmission providers are accounting for known and identifiable drivers of Long-Term Transmission Needs."[63] Specifically, the Commission found that transmission providers must consider

> (1) federal, federally-recognized Tribal, state, and local laws and regulations affecting the resource mix and demand; (2) federal, federally-recognized Tribal, state, and local laws and regulations on decarbonization and electrification; (3) state-approved integrated resource plans and expected supply obligations for load-serving entities; (4) trends in fuel costs and in the cost, performance, and availability of generation, electric storage resources, and building and transportation electrification technologies; (5) resource retirements; (6) generator interconnection requests and withdrawals; and (7) utility and corporate commitments and federal, federally-recognized Tribal, state, and local policy goals that affect Long-Term Transmission Needs.[64]

The Commission recognized that these categories were not hermetically sealed from one another, and that factors that drive long-term transmission needs might plausibly fit into multiple factor categories.[65] The Commission, however, directed that any given factor should not be double counted in multiple factor categories: "where factors may have overlapping effects on the planning assumptions, transmission providers must avoid double counting the effect that those factors have on assumptions used to develop Long-Term Scenarios."[66] The

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[63] Order 1920 at P 410.
[64] *Id.* at P 409.
[65] *See, e.g.,* Order 1920 at P 440 (discussing how some policies might fit into either factor category one or factor category two).
[66] Order 1920-A at P 273.

Commission generally allowed Transmission Providers to determine which factor category to consider a factor in, but provided that "where there is overlap between factors in Factor Categories One through Three and factors in Factor Categories Four through Seven, or a factor could arguably be considered in a Factor Category in the first three categories or the last four categories, transmission providers must incorporate that factor in the appropriate Factor Category in the first three categories."[67] This is significant because transmission providers can discount the impact of factor categories four through seven to reflect uncertainty, but cannot discount factor categories one through three.[68]

Factor category four is meant to recognize that the "relative cost of constructing and operating different types of generation or storage resources and the relative cost of electrifying certain energy end uses will affect Long-Term Transmission Needs."[69] The Commission explained that this category "may include, but [is] not limited to, cost and technology trends for: utility-scale generation construction costs for different generating technologies; distributed energy resources; storage technologies with differing duration limitations; carbon capture and sequestration; small modular nuclear; light-, medium-, and heavy-duty electric vehicles and electric vehicle supply equipment; and ground- and air-source

[67] *Id.*
[68] Order 1920 at PP 507, 516-517.
[69] *Id.* at P 456.

heat pumps."[70] In short, the category is meant to require that Transmission Providers consider how changing market dynamics might change what a plausible future bulk power system could look like.

By contrast, factor categories one, two, and three are meant to reflect federal, state, tribal and local laws and regulations that might impact future transmission needs, including "legally binding obligations, incentives (e.g., tax credits), and/or restrictions promulgated by policymakers that will affect new or existing generators, or demand,"[71] as well as "legally binding obligations, incentives, and/or restrictions that affect Long-Term Transmission Needs … by limiting the carbon intensity of electricity generation or electrifying energy end uses and thereby significantly increasing electricity use in certain sectors of the economy, such as transportation and building heating and cooling,"[72] and State-Approved Utility Integrated Resource Plans.[73] In short, factor categories one through three reflect government-issued legally binding policies that will impact long term transmission needs.

MISO's tariff captures factor category four as "[t]rends in technology and fuel costs within and outside of the electricity supply industry, including shifts toward electrification of buildings and transportation as they may apply to scenario

[70] *Id.* at P 458.
[71] *Id.* at P 433.
[72] *Id.* at P 440.
[73] *Id*. at P 447.

development; including state, tribal and local technology requirements."[74] While the first part of the factor as defined in MISO's proposed tariff is appropriate, the final element—state, tribal and local technology requirements—does not belong in this factor category. It is not entirely clear what MISO means by "state, tribal and local technology requirements," but a *requirement* created by a governmental entity clearly belongs in one of the first three factor categories, not the fourth factor category. As submitted, MISO's proposed tariff could be read to inappropriately either double count a factor in multiple categories, or else impermissibly allow for discounting of state, tribal or local law. If a factor could reasonably be considered in either one of the first three factor categories, it must be.[75]

Because MISO's description of factor category four inappropriately includes legally binding state, tribal or local laws, it is not consistent with or superior to the requirements of Order 1920. The Commission should direct MISO to file a revised description of factor category four on further compliance.

CONCLUSION

MISO's existing long-term transmission planning process is commendable, and on compliance it proposes reforms that will enhance the transmission planning process. Its proposal, however, is not fully compliant with the requirements of

[74] Tariff Redlines at 59-60, Attachment FF, Section II.C.i.15.a.i.4.
[75] Order 1920-A at P 273.

Order 1920. Because MISO's proposed tariff revisions fail to include a requirement to conduct an extreme weather sensitivity on each scenario, allow non-compliant scenarios to be used for transmission planning purposes, fail to properly implement all of Order 1920's reevaluation provisions, fail to fully implement Order 1920's local planning transparency requirements, decline to set an RTO-wide rightsizing threshold as required by Order 1920, and improperly consider state, tribal or local law in factor category four when considering the seven required factor categories, MISO's filing contains elements which are not consistent with or superior to the Commission's requirements in Order 1920. The Commission should reject these defective elements of MISO's proposal and order further compliance.

Respectfully submitted, Dated: August 5, 2026

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 5th day of August, 2026.

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