

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

ISO-New England Inc.

**New England Power Pool
Participants Committee**

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Docket No. ER16-538-000

**MOTION TO INTERVENE AND COMMENTS OF THE
NEW ENGLAND POWER GENERATORS ASSOCIATION, INC.**

Pursuant to Rules 211 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”)¹, and in accordance with the Commission’s Combined Notice of Filings #1, dated December 16, 2015, the New England Power Generators Association, Inc. (“NEPGA”)² hereby files this Motion to Intervene and Comments in response to ISO New England Inc.’s (“ISO-NE”) and the New England Power Pool Participants Committee’s (“NEPOOL”) joint December 16, 2015, filing in the above-captioned proceeding.³ In their joint filing, ISO-NE and NEPOOL ask the Commission to approve the elimination of the ISO-NE Tariff requirement that ISO-NE publish de-list bid prices fifteen days after each Forward Capacity Auction. NEPGA supports ISO-NE’s and NEPOOL’s request to eliminate this requirement, given that de-list bids are competitively sensitive information the disclosure of which could significantly harm the competitiveness of the Forward Capacity Auction.

¹ 18 C.F.R. §§ 385.211 and 214 (2014).

² The comments expressed herein represent those of NEPGA as an organization, but not necessarily those of any particular member.

³ *ISO-NE and New England Power Pool Committee Filing Re: Removal of Requirement to Publish De-List Pricing Information*, Docket No. ER16-538-000 (filed December 16, 2015) (“Joint Filing”).

I. Motion to Intervene and Communications

NEPGA is a private, non-profit trade association advocating for the business interests of competitive electric power generators in New England. NEPGA's member companies represent approximately 26,000 megawatts of installed capacity throughout the New England region. NEPGA's mission is to promote sound energy policies which will further economic development, jobs, and balanced environmental policy. NEPGA's member companies are responsible for generating and supplying electric power for sale within the New England bulk power system. As active participants in the ISO-NE capacity and wholesale electricity markets, NEPGA's member companies have substantial and direct interests in the outcome of these proceedings, and those interests cannot be adequately represented by any other party in the proceeding.

All correspondence and communications related to this proceeding should be addressed to the following individuals:

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II. Comments

ISO-NE and NEPOOL accurately and persuasively explain why the requirement to disclose resource-specific de-list bid prices following the Forward Capacity Auction should be eliminated, including that Market Participants could use the published de-list price to reconstruct

a large portion of the supply curve for the development of bidding strategies and could provide insight into the likely bidding of existing capacity resources in future FCAs.⁴ NEPGA agrees with ISO-NE and NEPOOL that the requirement to publish de-list bid information should be eliminated for these reasons, and therefore asks the Commission to approve their proposed Tariff changes.

The question of whether to publish de-list prices was before the Commission most recently following the eighth Forward Capacity Auction (“FCA 8”). There, the Eastern Massachusetts Consumer Owned Systems (“EMCOS”) asked the Commission to compel ISO-NE to disclose the de-list prices offered by existing resources in FCA 8 to parties executing a non-disclosure agreement.⁵ ISO-NE and NEPGA objected to EMCOS’ request for the same reasons they support the Tariff changes proposed in this proceeding, namely that the disclosure of de-list prices is anti-competitive.⁶ The Commission denied EMCOS’ motion to disclose the de-list information, agreeing with ISO-NE and NEPGA that the public release of confidential de-list prices “could result in serious adverse impacts to future Forward Capacity Auctions, and harm New England market participants and consumers.”⁷ The Commission further found even if de-list bid information were subject to a non-disclosure agreement, the competitive interests of market participants (both supply and load side) would not be adequately protected given the “ongoing relevance” of de-list bid prices and the ability of market participants to use this information to “gain a competitive advantage in future auctions.”⁸ The Tariff changes ISO-NE

⁴ Joint Filing at pp. 5-6.

⁵ Supplemental Protest and Motion for Disclosure of Redacted Information of Eastern Massachusetts Consumer-Owned Systems, Docket No. ER14-1409-000 (filed July 31, 2014).

⁶ ISO-NE Answer to EMCOS Motion, Docket No. ER14-1409-000 (filed August 11, 2014); Answer of the New England Power Generators Association, Inc., Docket No. ER14-1409-000 (filed August 11, 2014).

⁷ *ISO New England Inc.*, 148 FERC ¶ 61,137 at P 19 (2014).

⁸ *Id.* at P 21.

and NEPOOL seek in this proceeding carry out the Commission's findings and directives following FCA 8 and should therefore be approved by the Commission.

III. Conclusion

Wherefore, NEPGA respectfully requests that the Commission approve ISO-NE's and NEPOOL's request to eliminate from the ISO-NE Tariff the requirement that ISO-NE publish de-list bid prices from existing resources following each Forward Capacity Auction.

Respectfully Submitted,

/s/ Bruce Anderson_____

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the comments by via email upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Boston, Massachusetts, January 6, 2016.

/s/ Bruce Anderson

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