

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

<b>Participating Transmission Owners</b>	)	
<b>Administrative Committee &amp;</b>	)	
<b>ISO New England Inc.</b>	)	<b>Docket No. ER21-2337-000</b>
	)	

**MOTION TO INTERVENE AND PROTEST 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”),<sup>1</sup> the New England Power Generators Association, Inc. (“NEPGA”)<sup>2</sup> files this Motion to Intervene and Protest of the Participating Transmission Owners Administrative Committee (“TOs”) and ISO New England Inc.’s (“ISO-NE”) joint filing of Tariff<sup>3</sup> changes allowing customers taking Regional Network Service (“RNS”), *i.e.*, load serving entities (“LSEs”), to net against their Monthly Regional Network Load value the energy from resources that are (i) either located behind the retail customer meter (“BTRM”) or located between the retail customer meter and the electric distribution company tie line to the Pool Transmission Facilities (“PTF”), collectively behind-the- meter (“BTM”) resources; and (ii) are not registered with ISO-NE (*i.e.*, operate as “load reducers” that ISO-NE can neither see nor dispatch) to be used to net the Monthly Regional Network Load (“MRNL”)

---

<sup>1</sup> 18 C.F.R. §§ 385.211, 385.214 (2020). This Motion to Intervene and Comments is timely filed. See Notice of Petition for Declaratory Order, Docket No. EL21-3-000 (Oct. 6, 2020).

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

<sup>3</sup> All references to the Tariff herein are to ISO-NE’s Transmission, Markets and Services Tariff.

for purposes of reducing the Network Customer's share of Regional Network Service ("RNS") charges (collectively, the "TO Filing").<sup>4</sup>

These proposed Tariff changes unduly discriminate between BTM resources registered with ISO-NE and those not registered with ISO-NE by allowing the LSE to discount its share of RNS charges against the latter, but not the former, without any reasoned basis justifying this discriminatory treatment. BTM resources registered with ISO-NE provide the same, or possibly a superior, ability to avoid future PTF investment compared to unregistered BTM resources by supplying network demand without drawing energy from the PTF during the coincident monthly peak load hour. The TO Filing fails to explain any rationale for the disparate treatment of these similarly situated resources (registered versus unregistered).

Unlike unregistered resources, registered resources are metered (including telemetry) and subject to ISO-NE dispatch, but this cannot form, nor do the TOs assert this as the basis for the discriminatory treatment the TO Filing proposes. The TO Filing instead simply seems to argue that the netting of resources that do not install hourly meters and do not permit ISO dispatch control (*i.e.*, unregistered resources) should be permitted to be netted from the MRNL because the absence of their metering does not readily facilitate reconstitution of the reduction in PTF tie line flow (resulting from their output). While such a situation might necessitate the *need* to allow netting from MRNL (*i.e.*, absent a practical method to perform the reconstitution), it does not justify the exclusion of similarly located resources from eligibility to reduce MRNL.

Presumably, the underlying reason for any netting of MRNL is that the reduced PTF tie flow resulting from BTM resources reduces the need for future PTF investment (*i.e.*, lower RNS

---

<sup>4</sup> *Participating Transmission Owners Administrative Committee & ISO-NE New England Inc.*, Modifications to Monthly Regional Network Load Calculation in the ISO-NE Transmission, Markets and Services Tariff, Docket No. ER21-2337-000 (filed July 1, 2021) ("TO Filing").

rate base and lower RNS rates). But if any class of BTM resources provide that benefit, all classes of BTM resource provide that benefit, registered and unregistered alike. Asserting a potential future benefit based on the potential of all BTM resources does not explain or justify discriminatory treatment among BTM resources.

## **I. MOTION TO INTERVENE AND COMMUNICATIONS**

NEPGA is the trade association representing competitive power generators in New England. NEPGA's member companies represent approximately 26,000 megawatts, or nearly 90% of the installed capacity in New England. NEPGA's mission is to support competitive wholesale electricity markets in New England. NEPGA believes that open markets guided by stable public policies are the best means to provide reliable and competitively-priced electricity for consumers. A sensible, market-based approach furthers economic development, jobs and balanced environmental policy for the region. NEPGA's member companies are responsible for generating and supplying electric power for sale within the New England bulk power system. NEPGA represents the majority of merchant power generation in New England, including member resources located behind the PTF meter and behind the retail customer meter. Given the unduly discriminatory treatment applied to certain of those NEPGA member resources under the TO Filing proposal, NEPGA has a direct, unique, and substantial interest in this proceeding.

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

Bruce Anderson  
Vice President, Market & Regulatory Affairs  
New England Power Generators Association, Inc.  
110 Turnpike Road, Suite 212  
Westborough, MA 01581  
[banderson@nepga.org](mailto:banderson@nepga.org)

## I. BACKGROUND

The current ISO-NE Open Access Transmission Tariff (“OATT”) definition of Regional Network Load generally follows the Commission’s *proforma* definition of Network Load. While the Commission *proforma* definition requires transmission customers to take Network Service for *all* load, with the possible alternative of point-to-point transmission service in some cases, the ISO-NE OATT definition of Regional Network Load includes specific language precluding the netting of RNL for behind-the-meter generation.<sup>5</sup>

“Regional Network Load is the load that a Network Customer designates for Regional Network Service under Part II.B of the OATT. The Network Customer’s Regional Network Load shall include all load designated by the Network Customer (including losses) and shall not be credited or reduced for any behind-the-meter generation. A Network Customer may elect to designate less than its total load as Regional Network Load but may not designate only part of the load at a discrete Point of Delivery. Where a Transmission Customer has elected not to designate a particular load at discrete Points of Delivery as Regional Network Load, the Transmission Customer is responsible for making separate arrangements under Part II.C of the OATT for any Point-To-Point Service that may be necessary for such non-designated load.”<sup>6</sup> (underline added for emphasis)

In June 2020, the ISO-NE Internal Market Monitor (“IMM”) issued a Quarterly Markets Report indicating that the TOs reporting of Regional Network Load (“RNL”) for RNS billing purposes may not be in compliance with the ISO-NE Tariff.<sup>7</sup> Specifically, the IMM noted that the Tariff requires RNL to be reported for purposes of billing of RNS and explicitly precludes netting Network Load for behind-the-meter generation. The TOs subsequently initiated tariff changes in the NEPOOL Transmission Committee that would permit netting of MRNL for the

---

<sup>5</sup> Proposed Regional Network Load Revision—Historical Context/Policy and Precedent, Eric Runge and Sophia Browning, NEPOOL Counsel Memorandum to the NEPOOL Transmission Committee, at 2-3 (Jan. 20, 2021), available at: <https://www.iso-ne.com/event-details?eventId=144077> (“NEPOOL Counsel Memo”).

<sup>6</sup> *See id.*

<sup>7</sup> *Id.*

output of certain BTM resources to reduce RNS charges for those transmission customers.<sup>8</sup> As part of that NEPOOL stakeholder process, counsel for the New England Power Pool (“NEPOOL”) issued a memorandum supporting the interpretation that the Tariff on file specifies that RNL explicitly precluded netting transmission customer load for behind-the-meter generation and indicated that in order to permit netting of RNL for behind-the-meter generation, changes to the existing Tariff language would be required.<sup>9</sup> The TOs explained that the hourly generation data on behind-the-retail meter resources that were not registered in the ISO-NE markets was not available and they initiated Tariff changes to conform the ISO-NE Tariff with their RNS billing practice.<sup>10</sup> The TO Filing only permits netting for BTM resources that are outside of ISO-NE view and dispatch (i.e., not registered with ISO-NE).<sup>11</sup>

## II. PROTEST

### A. The Proposed Tariff Changes Unduly Discriminate Against BTM Resources That ISO-NE *Can* See and Dispatch

Any ability of a Network Customer to avoid paying for all or a portion of PTF transmission investment presumably should be based on the ability of a Network Customer’s own (or contracted) resources to avoid or reduce its use of the PTF transmission system and thereby avoid related PTF investment, whether the resource is registered with ISO-NE or not. Some PTF investment can be avoided by reducing PTF system loading at peak or stressed

---

<sup>8</sup> *Proposal to Address Behind the Meter Generation for Regional Network Load Purposes*, Frank Etori on behalf of Avangrid, Eversource, National Grid, VELCO, and Versant, Presentation to NEPOOL Transmission Committee (Dec. 10, 2020), available at: <https://www.iso-ne.com/event-details?eventId=140304>.

<sup>9</sup> NEPOOL Counsel Memo at 2-3.

<sup>10</sup> *Proposed Changes to Monthly Regional Network Load Calculation*, Frank Etori on behalf of the Avangrid, Eversource, National Grid, VELCO, and Versant, Presentation to the NEPOOL Markets Committee, at slide 8 (Apr. 6, 2021), available at:

<sup>11</sup> Note 8, *supra*, at slide 8.

conditions through resource output where additional thermal loading of PTF facilities would otherwise place the existing PTF facilities at (or above) their limits. Other PTF investments might be avoided where the reactive capability contributions of resources can decrease the need for additional PTF investment to manage high or low voltage conditions that would arise absent that reactive power capability and control. Thus, the physics of the matter is that the impact of physical generation output either reduces reliance on PTF investment or it doesn't, and the designation as an ISO-NE registered Generator Asset does not change that fact. Similarly, generators' provision of leading and lagging reactive capability to manage voltage levels either reduces reliance on PTF investments or it doesn't. The classification as ISO-NE-registered Generator Asset versus less transparent "load reducer" does not reduce that impact. Indeed, the classification as an ISO-NE-registered resource should *increase* the effectiveness at reducing PTF investment since the ISO can see and control the resource.

Yet, the TO Filing offers no evidence to demonstrate that the reduction in Network Customers RNS bills based on the netting of only *certain* BTM resources is justified by a commensurate reduction in or avoidance of increases in PTF rate base. Were the TO Filing to do so, the TOs would need to admit that the class of resources they propose to exclude from that MRNL-netting treatment would also produce a similar, or perhaps even superior, ability to avoid PTF investment. Instead, the TOs argue that the narrow set of BTM resources they propose as a shield against RNS charges be justified on the impracticality of installing meters on the "180,000" BTRM installations.<sup>12</sup>

Relying on this particular justification alone is ironic given the fact that the TOs and their distribution company affiliates appear to be comfortable with ISO-NE estimating the peak load

---

<sup>12</sup> TO Filing at 9.

reduction impact of those 180,000 BTRM installations for purposes of determining the region's Installed Capacity Requirement ("ICR").<sup>13</sup> In fact, not only does ISO-NE estimate peak load reduction accounting for those BTRM resources, but ISO-NE also forecasts their output for each hour of each day to facilitate reliable unit commitment and dispatch in its daily operations.<sup>14</sup> If the only reason for the TO Filing is the absence of directly metered data, this same form of data could presumably substitute for the expensive metering investment TOs claim as the basis to discriminate among BTM resources under their narrow MRNL netting eligibility.

To put this in further perspective, relying on just the ISO-NE estimate of annual peak load reduction resulting from the BTRM solar resources, output is approximately 1,000 MWs.<sup>15</sup> Assuming that same output were provided in each of the monthly peak MRNL hours for just 8 months of the year, that would equate to approximately \$94M/year of avoided RNS charges (using a \$140.98/kw-year RNS rate effective June 1, 2021).<sup>16</sup> This equates to approximately \$518/year for each of the 180,000 BTRM installations, a net present value of over \$4,000 per BTRM installation assuming only a 10-year BTRM life and a 4% discount rate.

Finally, the TO Filing does not propose to limit the netting to BTRM resources. The TO Filing use of the term "behind-the-meter" is actually behind-the-PTF meter (*i.e.*, the resource is

---

<sup>13</sup> See *Long-Term Load Forecast Methodology Overview*, Jon Black and Victoria Rojo (ISO-NE), Presentation to the NEPOOL Load Forecast Committee, at 21-31 (Sept. 25, 2020), available at: [https://www.iso-ne.com/static-assets/documents/2020/09/ld2021\\_methodology.pdf](https://www.iso-ne.com/static-assets/documents/2020/09/ld2021_methodology.pdf)

<sup>14</sup> See *Earth Day: How ISO-NE forecasts behind-the-meter solar*, ISO Newswire (Apr. 22, 2020), available at: <https://isonewswire.com/2020/04/22/earth-day-2020-how-iso-ne-forecasts-behind-the-meter-solar/> (explaining how ISO-NE uses sample output data for behind-the-meter solar resources combined with utility information on the number and nature of such installations by geographic location to develop an operational forecast to support reliable unit commitment and dispatch).

<sup>15</sup> *Final Draft 2020 Energy and Seasonal Peak Load Forecasts*, Victoria Rojo (ISO-NE), Presentation to the NEPOOL Load Forecast Committee, at 24 (Mar. 21, 2020), available at: [https://www.iso-ne.com/static-assets/documents/2020/03/lf2020\\_energy\\_seaspk.pdf](https://www.iso-ne.com/static-assets/documents/2020/03/lf2020_energy_seaspk.pdf).

<sup>16</sup> See *RNS Rates Effective June 1, 2021, and January 1, 2022*, Presentation to the PTO AC – Rates Working Group, at 7 (July 14, 2021), available at: [https://www.iso-ne.com/static-assets/documents/2021/07/a03\\_tc\\_2021\\_07\\_14\\_rns\\_rates\\_presentation.pdf](https://www.iso-ne.com/static-assets/documents/2021/07/a03_tc_2021_07_14_rns_rates_presentation.pdf).

behind the PTF tie line meter but may be in front of the end customer load).<sup>17</sup> Standalone BTM resources (*e.g.*, connected to the distribution system) presumably require some form of metering as part of the interconnection requirements of the electric distribution company (“EDC”), and presumably also require some form of EDC control, and the economic cost burden justification proffered for BTRM resources may not extend to the additional BTM resources that are not BTRM.

**B. Netting of MRNL Should Either Apply to the Output of all BTM Resources or To No BTM Resources**

If any generation located between customer load and its ultimate PTF connection to the ISO-NE transmission system is permitted to be netted from the MRNL, then *all* generation located between network load and that load’s PTF connection should be capable of being netted from MRNL. The Commission should direct the PTOs to remove the undue discrimination created by their proposal to treat other BTM resource contributions as inferior to similarly located generators that are less transparent and uncontrollable by ISO dispatch (*i.e.*, resources electing to be “load reducers”). NEPGA asks the Commission to direct the TOs to remove this undue discrimination against other BTM resources providing the same or superior ability to avoid PTF investment and modify their proposed Tariff language as follows:

*“Network Customer’s Monthly Regional Network Load shall exclude ~~(i)~~ load offset by the output of any resource located behind the PTF connection serving the Network Customer’s load ~~that is not a Generator Asset, and (ii) load offset by the portion of the output of a Generator Asset that serves load located behind the same retail customer meter as the Generator Asset.~~”*

If the Commission does not so require the TOs to treat all BTM resources comparably, the Commission should minimally require clarification that all resources not electing treatment

---

<sup>17</sup> See Note 8, *supra*, at 8.

as “load reducers” (*i.e.*, those registered with ISO-NE) would similarly not be credited with reductions to MRNL. Specifically, under Order No. 2222, the Commission has directed ISO-NE to create a new category of aggregated resources. ISO-NE has termed that new category as Distributed Energy Resource Aggregations (“DERAs”) and is currently pursuing six different categories of DERAs, each of which could include a generator, electric storage and demand resources registered with the ISO.<sup>18</sup> Notwithstanding the TO’s claimed intent that they would be treated the same as resources registered with ISO-NE as a Generator Asset, the TO Filing’s use of the defined term Generator Asset may not necessarily capture these ISO-NE registered BTM resources.<sup>19</sup> If the Commission does not direct the TOs to remedy the undue discrimination as NEPGA asks above, the Commission at a minimum should require further clarification as identified below that denies MRNL netting for all BTM resources that are registered with ISO-NE.

*“Network Customer’s Monthly Regional Network Load shall exclude (i) load offset by the output of any resource that is not an asset registered for participation in the ISO-NE markets, that is not a Generator Asset, and (ii) load offset by the portion of the output of an asset registered for participation in the ISO-NE market that serves load located behind the same retail customer meter as that asset ~~the Generator Asset.~~”*

---

<sup>18</sup> See Order No. 2222: Participation of Distributed Energy Resource Aggregations in Wholesale Markets, Henry Yoshimura, Hanhan Hammer, Doug Smith, and Matt Gdula (ISO-NE) , Present to the NEPOOL Markets Committee (July 8, 2021), available at: <https://www.iso-ne.com/event-details?eventId=143990>.

<sup>19</sup> Proposed Changes to the Monthly Regional Network Load Calculation, Frank Etori on behalf of Avangrid, Eversource, National Grid, VELCO, and Versant, Presentation to the NEPOOL Transmission Committee, at 8 (Mar. 23, 2021), available at: <https://www.iso-ne.com/event-details?eventId=144080>.

### III. CONCLUSION

NEPGA respectfully requests that the Commission reject the PTO-AC Filing as unduly discriminatory against BTM resources that are registered with the ISO-NE and direct the TOs to either permit netting for all BTM resources or apply the existing Tariff language.

Respectfully Submitted,

/s/Bruce Anderson

Bruce Anderson  
Vice President, Market & Regulatory Affairs  
New England Power Generators Association, Inc.  
110 Turnpike Road, Suite 212  
Westborough, MA 01581  
617 902-2354  
[banderson@nepga.org](mailto:banderson@nepga.org)

**CERTIFICATE OF SERVICE**

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

Dated at Westborough, Massachusetts, July 22, 2021.

*/s/ Bruce Anderson*

Bruce Anderson  
Vice President, Market & Regulatory Affairs  
New England Power Generators Association, Inc.  
110 Turnpike Road, Suite 212  
Westborough, MA 01581  
617 902-2354  
[banderson@nepga.org](mailto:banderson@nepga.org)