UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

International Transmission Co. d/b/a ITC *Transmission*, Michigan Electric Transmission Co., LLC, ITC Midwest LLC, and ITC Great Plains, LLC; Ameren Services Co.; American Transmission Co. LLC; Cleco Power LLC; Entergy Services, LLC; Evergy, Inc.; Oklahoma Gas & Electric Co.; The Empire District Electric Company; and Xcel Energy Services Inc., *Complainants*,	
v.	Docket No. EL26-___
Midcontinent Independent System Operator, Inc.; and Southwest Power Pool, Inc., *Respondents*.	

COMPLAINT OF THE GRID ACCELERATION COALITION
REQUESTING FAST TRACK PROCESSING

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The above-captioned transmission owners in the Midcontinent Independent System Operator, Inc., and Southwest Power Pool, Inc.—the "Grid Acceleration Coalition," or "Coalition"—seek an order finding that the solicitation processes for certain regional transmission projects under the MISO and SPP Tariffs are unjust and unreasonable. Even as our nation faces an unprecedented energy emergency and time is of the essence, these solicitations impose delay of 16-20 months. This delay, just as harmful as broken permitting, is unjust and unreasonable.

- It prevents interconnection of essential loads and generation. That violates the Commission's core duty under the Federal Power Act—to ensure electricity is available. It also impedes a core duty of Coalition members under state law—to serve customers, as illustrated by examples from New Mexico to Minnesota, and from Texas to Iowa to Wisconsin. And it handicaps our ability to win the AI race and undermines U.S. manufacturing, posing existential threats. For data centers alone, the welfare loss due to delayed transmission is $394–$749 million per 1,000 megawatts of demand per year.

- It hurts affordability for everyday Americans. A year of delay destroys $150 million to $370 million in benefits for every billion invested. It also increases construction costs by 20 percent, or about $200 million for every billion invested.

- It risks additional affordability benefits that customers *should* reap from load growth, including those promised in the Administration's *Ratepayer Protection Pledge*. Customers can obtain those benefits only if new loads can actually connect—which solicitation-induced delays are thwarting.

These harms are also occurring for no good reason. Although proponents of solicitations point to lower winning bids as evidence of cost savings, what matters is actual costs. And actual costs exceed those winning bids by 59-66 percent. The benefits of solicitations in MISO and SPP are (at best) unproven and, in all events, do not outweigh the certain harms from delay in those regions.

The Commission should implement a remedy for MISO and SPP that is tailored to the harm that delay inflicts on time-sensitive projects in an era of unprecedented load growth. We describe two remedy options in Section III: (1) exempting from solicitation any transmission project that is needed to interconnect new generation or load, if delaying the project would delay service to generation or load; or (2) temporarily pausing the solicitation process.

This Complaint is targeted at the specific features of load growth and the implementation of solicitation processes in MISO and SPP. It does not address Order No. 1000's solicitation requirement in other regions, which have their own features and must be analyzed separately.

Because time is of the essence, we seek fast-track processing but do not seek a shortened comment period.[1] We respectfully ask for an action date of July 16, 2026 or as soon thereafter as possible, to ensure MISO and SPP have sufficient time to implement relief before additional needed regional transmission projects are subject to lengthy solicitation processes. Even after that date, moreover, the issues raised by this Complaint will remain important and time-sensitive given additional regional projects that are set to be approved by the end of 2026.

[1] 18 C.F.R. § 385.206(h).

The Grid Acceleration Coalition respectfully submits this Complaint against MISO and SPP pursuant to Section 206 of the Federal Power Act, 16 U.S.C. § 824e, and Rule 206 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.206. The Coalition includes a broad range of utilities in the Midwest, Great Plains, Southwest, and Gulf Coast—International Transmission Company d/b/a ITC *Transmission*, Michigan Electric Transmission Company, LLC, ITC Midwest LLC, and ITC Great Plains, LLC (together, "ITC"); Ameren Services Company on behalf of its public utility operating company affiliates Ameren Transmission Company of Illinois, Ameren Illinois Company, and Union Electric Company d/b/a Ameren Missouri (collectively, "Ameren"); American Transmission Company LLC ("ATC"); Cleco Power LLC ("Cleco"); Entergy Services, LLC ("Entergy"); Evergy, Inc. ("Evergy"); Oklahoma Gas & Electric Co. ("OG+E"); The Empire District Electric Company; and Xcel Energy Services Inc. on behalf of Southwestern Public Service Company, Northern States Power Company (Minnesota), and Northern States Power Company (Wisconsin) (collectively, "Northern States Power Companies" or "NSP") ("Xcel"). Company witnesses from ITC, ATC, and Xcel detail specific interconnections that have been hindered by solicitation requirements. And three experts in economics and artificial intelligence elaborate on these delays and the harms they cause.

INTRODUCTION

This Complaint is about whether our country will seize, or squander, a generational chance to own the next century while also fulfilling the most fundamental obligation of utilities—to ensure *all* customers receive timely and affordable electric service. To meet spiking load growth, we must build the transmission needed to connect new large loads and generation. If we succeed, we will win the race to achieve dominance in artificial intelligence ("AI"), rebuild our nation's manufacturing base, and ensure we have the infrastructure needed to extract our nation's oil and gas resources. And if we build the transmission needed to do all this, we will cut costs for

consumers too. Bringing new large loads online faster benefits customers, particularly via cost relief now that hyperscalers have committed to pay their fair share of grid assets that will benefit all.[2] Customers will also pay less over time because high-voltage transmission reduces congestion and line losses and enables access to the most affordable resources.

But bureaucratic red tape, arising from the implementation of Order No. 1000 in MISO and SPP, simultaneously denies customers these benefits and harms national security and economic growth. Those solicitations create a delay of 16–20 months for every covered project. Branded by proponents as "competition," those solicitations have become a morass. Winners can promise the moon and then, after prevailing in the years-long and opaque administrative process, leverage exceptions and escalators to blow through bids. And whatever one's view of the solicitation mandate in general, the dispositive point today is this: This process in MISO and SPP adds vast delays before a shovel can hit the ground—delays just as destructive as those wrought by out-of-control review under the National Environmental Policy Act ("NEPA") or unwieldy permitting, which members of the Commission have correctly recognized are intolerable.[3] The question is: In

[2] *See* The White House, *Ratepayer Protection Pledge* (Mar. 2026), https://www.whitehouse.gov/articles/2026/03/ratepayer-protection-pledge/.

[3] Ethan Howland, *New FERC Commissioners Say Connecting Data Centers Is a Key Priority*, Utility Dive (Nov. 21, 2025), https://www.utilitydive.com/news/ferc-data-centers-swett-lacerte-lng/806145/ ("We are looking into cutting regulatory red tape and increasing transparency in our permitting processes, as well as other FERC processes, to incentivize investment") (quoting Chairman Swett); Written Testimony of David LaCerte before the U.S. Senate Energy & Natural Resources Comm. (Sept. 24, 2025), https://www.energy.senate.gov/services/files/B6B2C046-67AC-4D75-ABB9-8719DBBC8C97 ("The administrative burden placed upon those who seek to invest in our infrastructure is staggering."); Ethan Howland, *New FERC Chairman Rosner Outlines Priorities: "We Need to Build, Build, Build",* Utility Dive (Sept. 19, 2025), https://www.utilitydive.com/news/ferc-rosner-priorities-colocation-reliability-lng/760597/ ("I never want [FERC] to be the holdup when it comes to necessary development of infrastructure and permitting decisions.") (quoting Comm'r See); FERC, *Energized for 2026* (Jan. 14, 2026), https://www.ferc.gov/news-events/news/energized-2026 ("Across all types of energy infrastructure where FERC has a permitting role, we moved faster in 2025 to meet the moment — because if we want more affordable and reliable energy, America needs to build more of everything.") (quoting Comm'r Rosner).

this "energy emergency,"[4] is it just and reasonable to continue to accept 1-2 years of solicitation-driven delay in building transmission in MISO and SPP?

The answer is no. Demand is increasing at a rate unseen since World War II,[5] particularly in MISO and SPP. The North American Electric Reliability Corporation's ("NERC") recent Long Term Reliability Assessment designated MISO and SPP as facing resource adequacy challenges.[6] MISO predicts that on the high end, it may require an additional 587 TWh of energy by 2044—virtually double today's consumption.[7] SPP projects its peak demand in 2035 may be nearly 175 percent higher than today.[8] Five-year demand growth in summer peak is estimated at 24.2 and 15.6 gigawatts in SPP and MISO, respectively.[9] Meanwhile, virtually everyone agrees that "[t]he single biggest constraint" in bringing on additional AI computing capacity "is power."[10] And per

[4] Exec. Order No. 14,156 § 2, 90 Fed. Reg. 8433, 8434 (Jan. 20, 2025) ("Declaring a National Energy Emergency").

[5] Chris Seiple, *Gridlock: The Demand Dilemma Facing the US Power Industry*, Wood Mackenzie (Oct. 2024), https://www.woodmac.com/horizons/gridlock-demand-dilemma-facing-us-power-industry/.

[6] N. Am. Elec. Reliability Corp., *Long-Term Reliability Assessment* at 8 (Jan. 2026), https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf.

[7] *See* MISO, *MISO 2024 Load Forecast and Process Enhancements Workshop* at 16 (Dec. 18, 2024), https://cdn.misoenergy.org/20241218%20Medium%20and%20Long%20Term%20Forecast%20Workshop%20Presentation667265.pdf ("MISO 2024 Workshop"); *see also* MISO, *2026 Reliability Imperative Report* at 4 (Feb. 2026), https://cdn.misoenergy.org/2026%20Reliability%20Imperative%20Report744320.pdf ("MISO, *2026 Reliability Imperative Report*") (reporting 1-2 percent per year in annual average electricity demand growth through 2044).

[8] Ethan Howland, *SPP to Rely on Demand Response to Help Bridge Shrinking Power Supplies: CEO Nickell*, Utility Dive (Apr. 4, 2025), https://www.utilitydive.com/news/spp-demand-response-prm-planning-reserve-transmission-rto-west/744455/.

[9] *See* John D. Wilson et al., *Power Demand Forecasts Revised Up For Third Year Running, Led By Data Centers*, Grid Strategies at 33 (Nov. 2025), https://gridstrategiesllc.com/wp-content/uploads/Grid-Strategies-National-Load-Growth-Report-2025.pdf ("Grid Strategies").

[10] Q2 2025 Amazon.com, Inc. Earnings Conference Call, July 31, 2025, https://ir.aboutamazon.com/events/event-details/2025/Q2-2025-Amazoncom-Inc-Earnings-Conference-Call-/default.aspx; *see also* Grid Strategies at 6 ("While utility capital investment has grown steadily over the past decade, achieving this higher growth rate would require the electricity industry to plan and build new generation and transmission capacity at more than six times the rates seen in recent years.").

the Commission's most recent *State of the Markets* report, "[t]he region with the fastest data center capacity growth was MISO (43 percent compound annual growth)."[11]

Developing high-voltage projects in MISO and SPP is essential to meeting the needs of customers and ensuring reliability, while laying the foundation to reshore manufacturing and power AI.[12] These projects—expressways for power—are as critical to meeting today's challenges as the Eisenhower interstate highway system was to prevailing in the Cold War. They relieve congestion and facilitate the reliable transfer of large quantities of energy across broad regions, ensuring that existing and new generators can flexibly deliver energy to new loads, wherever located. And in today's circumstances, the MISO and SPP solicitation requirements for regional transmission projects are unjust and unreasonable, for two primary reasons.[13]

First, these solicitations delay service. The "principal purpose" of the Federal Power Act ("FPA") is "to encourage the orderly development of plentiful supplies of electricity . . . at reasonable prices."[14] And utilities like the Coalition's members bear the bedrock duty to provide timely, non-discriminatory service to customers. Today, however, solicitation processes in SPP and MISO unjustly and unreasonably delay service to large load customers and new generation resources that depend on new regional transmission projects. Below, we detail specific examples of those harms across the Midwest, Great Plains, Southwest, and Gulf Coast (Exhibits A-E).[15] And

[11] FERC Staff Report, *2025 State of the Markets* 7 (Mar. 2026), https://www.ferc.gov/sites/default/files/2026-03/26_State-of-the-Market_0324_1430.pdf.

[12] *See* Letter from John Bear, President and Chief Executive Officer, MISO, to Chairman David Rosner, FERC (Oct. 8, 2025), https://www.ferc.gov/media/miso-response-chairman-david-rosners-09192025-letter-re-large-load-forecasting-americas.

[13] MISO's Competitive Developer Selection Process is set forth in Section VIII of Attachment FF of the MISO Tariff, while SPP Transmission Owner Selection Process for Competitive Upgrades is set forth in Sections I and III of Attachment Y of the SPP Tariff.

[14] *NAACP v. FPC*, 425 U.S. 662, 669-70 (1976).

[15] Exhibit ("Ex.") Ex. A, Direct Testimony of Jarred J. Cooley on Behalf of Southwestern Public Service Company (Mar. 31, 2026) ("Cooley (SPS)"); Ex. B, Direct Testimony of Robert J. McKee on Behalf of American Transmission Company (Apr. 2, 2026) ("McKee (ATC)"); Ex. C, Direct Testimony of Jason T.

as Michael M. Schnitzer explains (Exhibit F), the welfare loss due to delayed transmission ranges from $394 million to $749 million per 1,000 megawatts of demand per year, for data centers alone.[16]

Second, these solicitations harm affordability. Customers *should benefit* from today's new large loads and the infrastructure needed to serve them. The Administration has, as noted above, extracted a promise that hyperscalers will pay their fair share of costs to access the grid—which confers greater benefits to customers even beyond spreading the grid's fixed costs across a larger denominator. That, however, can happen only if utilities can *actually serve* this new load and have the infrastructure to do so. Meanwhile, the transmission projects at issue here bring immense *direct* benefits to customers. That includes reduced congestion, access to existing lower-cost resources, and the price-reducing benefits of new resources.[17] Delaying the construction of these critical projects harms customers. Evidence shows that 18 months of delay could destroy $225–$555 million in benefits for every billion invested; that each year of delay is estimated to increase project costs by at least 20 percent; and that each $1 billion in delayed investment defers an estimated 11,000 to 25,000 direct, indirect, and induced job-years.[18]

The 16-to-20-month figure, if anything, underestimates how solicitation processes are undermining sound and cost-effective transmission development in MISO and SPP. When

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Standing on Behalf of the Northern States Power Companies (Mar. 30, 2026) ("Standing (NSP)"); Ex. D, Direct Testimony of Dusky Terry on Behalf of ITC Holdings Corp. (Mar. 31, 2026) ("Terry (ITC)"); and Ex. E, Direct Testimony of Cory E. Wood on Behalf of Southwestern Public Service Company (Mar. 31, 2026) ("Wood (SPS)").

[16] Ex. F, Direct Testimony of Michael Schnitzer on Behalf of the Grid Acceleration Coalition (Apr. 3, 2026) ("Schnitzer").

[17] *See RWE Clean Energy, LLC v. PJM Interconnection, LLC*, 194 FERC ¶ 61,212 (2026), Comm'rs Rosner & Chang, concurring at P 5 (discussing SPP's recent transmission planning reforms and noting that when "more power gets online faster . . . customers [can] access cheaper and more reliable energy").

[18] *See* Ex. O, Zach Zimmerman et al., *Delaying Transmission Increases Costs and Reduces Benefits for Consumers*, Grid Strategies at ii, 11 (Nov. 2025), https://gridstrategiesllc.com/wp-content/uploads/GS_WIRES-Cost-of-Delayed-Transmission.pdf ("Grid Strategies, *Delaying Transmission*")

solicitations are *not* required, incumbents can start critical work even before final Board approval; solicitation requirements, by contrast, force *everyone* to hit pause on the development process, often for years, before the selected developer can take its work out of mothballs.[19] Stakeholder engagement and state siting processes are often on the critical path for development—but when one of several developers might be selected, *no one* can meaningfully progress this work.[20] Meanwhile, solicitations can mean that the *wrong projects* get built. Sometimes, for example, new customers may request service after project approval and those customers could be most efficiently served by reconfiguring the project.[21] But where solicitations are required, it is often impossible for developers to depart from the as-planned project—even when continuing as planned results in higher system costs.[22] And solicitations can undermine the benefits even of projects that are exempt from those delays but that *connect to* solicited projects.[23] The "practical effect is akin to building a high-speed rail corridor and then leaving out a segment in the middle, requiring passengers to get off and switch to a horse and buggy."[24]

It does not have to be this way. Historically, utilities got to work immediately upon approval, or even before (at their own risk). That is how we built the electrical grid that won World War II and powered America's dominance in the 1950s and beyond. Indeed, Order No. 1000 recognized that this approach remains appropriate where time is of the essence. It permitted exceptions from solicitation for immediate-need reliability projects and projects needed to directly interconnect generation or load and recognized there should be "adequate processes … in place"

[19] Wood (SPS) at 3-5, 7, 10; Standing (NSP) at 6; Terry (ITC) at 4-5; Schnitzer at 17.
[20] Wood (SPS) at 7-11; Standing (NSP) at 6.
[21] *E.g.*, Terry (ITC) at 6-7.
[22] *See id.*
[23] Cooley (SPS) at 4, 9; Standing (NSP) at 12, 15.
[24] Standing (NSP) at 15.

to avoid "delays" associated with solicited projects "adversely affect[ing] [the] ability to fulfill … reliability needs or service obligations."[25] It also required transmission providers to honor state laws, rules, or orders that provide rights of first refusal ("ROFRs") to utilities operating within their state. But at least in MISO and SPP, those exceptions are too narrow in circumstances—like those today—when the need date for transmission is usually "as soon as possible."

Addressing the harms from delay is particularly imperative because no sound evidence shows that solicitations are creating countervailing benefits for customers in MISO and SPP. The Commission in Order No. 1000 hoped solicitations would help identify better projects. But that rationale does not apply in MISO and SPP, because those RTOs first identify specific projects and then use solicitations to decide who builds them. As for the cost savings that Order No. 1000 hoped to drive, the Commission will likely hear the usual talking points from competitive developers and their allies, citing early studies claiming that solicitations save 20-30 percent in construction costs. But to begin, those studies were not focused on MISO and SPP; instead, almost all of their examples came from CAISO, PJM, or NYISO. Moreover, they were based on bidding information and projections that *have not come true*. It proves nothing to show—as these studies did—that the *winning bids* from competitive developers fell below RTOs' estimates. And not a single study reviewing *actual construction costs* substantiates that figure, much less that it does so in the specific regions here—MISO and SPP. Quite the opposite: When later studies examined

[25] Order No. 1000-A, 139 FERC ¶ 61,132 at P 477 (2012). Both MISO and SPP exempt immediate need reliability projects from solicitation requirements. In MISO, this exemption covers Baseline Reliability Projects that are needed within 36 months of the month of Board approval. MISO Tariff, Attach. FF, § VIII.A.3. SPP similarly exempts those projects that would be subject to solicitation and that are needed within three years or less to address an identified reliability problem ("Short-Term Reliability Projects"). SPP Tariff, Attach. Y, § I.3. While this exemption is a critical means of ensuring reliability in the near term, it is not enough to address the significant delays, and resulting harms, of the solicitation process in MISO and SPP.

those costs, they show competitive developers' costs exceeding winning bids by 59-66 percent[26]—while incumbent-built projects are between negative -2.9 and 7.0 percent of RTOs' estimates.[27] Mr. Christopher J. Russo and Dr. Maxime C. Cohen (Exhibit G) thus conclude that "[a]ny purported benefits of solicitations—which are uncertain and, at best, small—are almost certainly overwhelmed by the costs of foregone benefits of AI development."[28]

As the Commission weighs the dueling evidence it will inevitably receive, it should stay focused on what matters. Competitive developers will have their anecdotes—of solicited projects completed on time and under budget, and of directly assigned projects that incurred delays or overruns. The Coalition can meet those stories with examples of its own—solicited projects that are delayed for years and bust their budgets, and directly assigned that are completed timely and under budget. Building transmission is hard, and delays and cost increases are sometimes unavoidable. The important point, however, is that *no* publicly available study to date supports the proposition that solicitations *systematically* reduce construction costs or delays in MISO and SPP, accounting for differences across projects.

Even the (unsubstantiated) claims of savings in other regions, moreover, do not account for the here-and-now evidence of delay in MISO and SPP, or for the time value of that delay. Order No. 1000 simply did not address the delay that afflicts solicitations in MISO and SPP. In fact, that 15-year-old rulemaking never addressed time-value considerations at all, perhaps because in the

[26] Ex. N, Developers Advocating Transmission Advancements, *Revisiting the Evidence on Cost Savings from Transmission Competition* at 1, 9-10 (Dec. 2023) ("DATA Whitepaper"), attached to *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection*, Docket No. RM21-17-000, Supplemental Comments of Developers Advocating Transmission Advancements (filed Dec. 15, 2023).

[27] Ex. L, Emma Nicholson et al., *Building New Transmission: Experience to Date Does Not Support Expanding Solicitations*, Concentric Energy Advisors at 1 (June 2019), https://wiresgroup.com/wp-content/uploads/2020/07/2019-06-10-CONCENTRIC-ORDER-1000-REPORT.pdf ("Concentric 2019").

[28] Ex. G, Direct Testimony of Christopher Russo & Maxime C. Cohen on Behalf of the Grid Acceleration Coalition at 7 (Apr. 3, 2026) ("Russo & Cohen").

flat-load era of the 2010s, time was no precious thing. But the reality is that if a new line takes two years longer to build in MISO and SPP, then (for example) two years of saved congestion costs are gone forever, and new load and new generation are denied service until two years later. As the evidence shows, these delay costs swamp any plausible estimate of the savings from solicitations in MISO and SPP, especially in today's constrained environment. So by limiting Order No. 1000's solicitation process in MISO and SPP, as this Complaint requests, the Commission will, all at once, facilitate the interconnection of large loads (including those needed to help win the AI race), lower wholesale electricity costs, and promote affordability.

Addressing this issue is paramount and complementary to other Commission efforts to expedite infrastructure, including generator interconnection processes. While getting interconnection rules right will help in the short term, short-term solutions are not enough. As explained by Mr. Schnitzer, over the next decade, electricity infrastructure will be a "binding constraint" on interconnection and on resource adequacy needed to support surging demand.[29] And if we are serious about winning the AI race, that looming need must be solved now. If we choose in 2026 to add two years of delay to transmission projects in MISO and SPP, we will seriously undermine our nation's ability to meet that challenge. This accords with Chairman Swett's recognition that we are in a "global energy arms race created by the rise of technology, its tremendous load growth, and our push to onshore manufacturing and jobs."[30] As Chairman Swett put it, "[t]his is the moment to cement America's energy leadership" to win that race.[31] This urgency is also why Secretary Wright emphasized that fulfilling the Administration's

[29] Schnitzer at 6-7.

[30] Written Testimony of Chairman Laura V. Swett Before the U.S. House of Rep. Comm. on Energy and Commerce, Subcomm. On Energy at 1-2 (Feb. 3, 2026), https://www.congress.gov/119/meeting/house/118930/witnesses/HHRG-119-IF03-Wstate-SwettL-20260203.pdf.

[31] *Id*.

"commit[ment] to . . . driving American AI innovation . . . will require . . . substantial investment in the nation's interstate transmission system."[32] And this is why the Administration's AI Action Plan explains that "[w]e need to build and maintain vast AI infrastructure and the energy to power it"—and that "[t]o do that, we will continue to reject . . . bureaucratic tape."[33] Avoiding the deadweight loss of valuable time caused by solicitations is not a close call based on a sound economic analysis of measurable facts. When we add in the unquantifiable but massive benefits from winning the AI race and reshoring manufacturing, there is no disputing the outcome.

For these reasons and those described below, the Commission should grant the Complaint. The Commission also must fix a just and reasonable replacement rate. The top priority should be preventing unnecessary delays for integrating new generation resources and new large load customers. We propose two possible alternatives. Option 1 adopts a project-specific approach: MISO and SPP would evaluate both existing service requests and expected generation and load and exempt from solicitation regional projects that, if delayed by solicitation, would delay service to new generation or load. Option 2 would suspend solicitation processes for the next five years in MISO and SPP—a period pegged to when our country must begin building the infrastructure that will decide which nation wins the AI race. We recognize that the Commission has discretion in setting a replacement rate, so it could adopt either option or create its own alternative.

This Complaint is laser focused on improving the processes of MISO and SPP going forward. In this filing, we do not seek to claw back projects that MISO and SPP have already awarded to developers or to upset solicitation processes already underway. Nor do we address

[32] Letter from Secretary Chris Wright, Dep't of Energy, to Chairman Rosner et al., FERC (Oct. 23, 2025), https://www.energy.gov/sites/default/files/2025-10/403%20Large%20Loads%20Letter.pdf.

[33] White House, *Winning the Race: America's AI Action Plan* (July 2025), https://www.whitehouse.gov/wp-content/uploads/2025/07/Americas-AI-Action-Plan.pdf ("AI Action Plan").

other regions, which must be assessed on their own merits. Rather, this Complaint seeks prospective relief limited to MISO and SPP, effective from the date of this Complaint, to ensure that the solicitation process does not continue to inflict delay-induced harm on those projects where MISO and SPP have not yet issued an RFP. And to be clear, we do not allege that MISO or SPP acted wrongfully when establishing rules and practices required to carry out the directives of Order No. 1000.[34] We focus on avoiding the proven going-forward harms that MISO's and SPP's solicitation processes are inflicting on customers and on America as a whole.

BACKGROUND

Our nation today faces unprecedented challenges in building the infrastructure needed to power the next century. If we succeed, we can—all at once—return manufacturing to America, win the AI race, and improve affordability for customers.

I. The AI Race Will Define the Next Decade.

Unlocking the transformative potential of AI will be a defining task of the next decade. AI amounts to "[a]n industrial revolution, an information revolution, and a renaissance—all at once."[35] As a general-purpose technology, AI can be deployed in nearly unlimited applications—ranging from science and healthcare to transportation and warfare.[36] Advanced AI technologies under development will go a giant leap beyond today's capabilities by performing any intellectual task a human can perform, effectively replicating "the human-like ability to learn new skills, understand novel situations, understand problems, and develop . . . solutions."[37] "Winning the race" to develop advanced AI, therefore, "will usher in a new golden age of human flourishing,

[34] This Complaint does not address MISO's proposed reforms in Docket No. ER26-1538.

[35] AI Action Plan at 1.

[36] Ex. H, Direct Testimony of Dean Ball on Behalf of the Grid Acceleration Coalition at 10 (Apr. 3, 2026) ("Ball").

[37] *Id.*

economic competitiveness, and national security for the American people."[38] And, "[w]hoever has the largest AI ecosystem will set global AI standards and reap broad economic and military benefits."[39]

America holds an early lead, but the critical stages lie ahead. The most consequential advanced AI technologies likely will be developed between 2028 and 2035, when whoever wins the AI race "will shape the standards, norms, and dependencies that govern AI deployment globally."[40] Maintaining and expanding our nation's lead during this period is critical to obtaining first mover advantages; the leading nation will "build relationships with developers, train workforces on their platforms, and create switching costs that may prove difficult to reverse."[41] The leading nation will also "attract top technical talent, generate high-value jobs, [and] capture the lion's share" of the economic potential from AI-driven productivity gains.[42] In fact, as described by Mr. Russo and Dr. Cohen, first movers will be able to "reshape[] the competitive landscape itself" to their advantage.[43]

China has devoted itself to overtaking America as the world's AI leader and is just months behind.[44] AI leaders have warned that on our current trajectory, "China is going to win the AI race."[45] Losing the AI race could diminish American competitiveness across the economy, and if

[38] AI Action Plan at 1.
[39] Ball at 12.
[40] *Id.* at 39.
[41] *Id.*
[42] *Id.* at 14.
[43] Russo & Cohen at 17.
[44] Ball at 14.
[45] M. Murgia & C. Criddle, *Nvidia's Jensen Huang Says China 'Will Win' AI Race with US*, Fin. Times (Nov. 5, 2025), https://www.ft.com/content/53295276-ba8d-4ec2-b0de-081e73b3ba43.

U.S. companies must rely on foreign infrastructure, the United States would "cede strategic autonomy and become vulnerable to supply disruptions."[46]

The national security implications are profound. AI is needed both to support the military directly—through supporting operations, logistics, intelligence, and cyber efforts—and to improve the U.S. industrial base.[47] This has proven true in the recent conflicts in Venezuela and Iran, where public reporting has emphasized the transformative impact of AI.[48] For example, Mr. Ball reports the success of Project Maven, a military AI initiative that uses a 20-person team to "achiev[e] the same artillery targeting proficiency as a 2000-person team did" 15 years ago.[49] And many of these military-oriented AI applications—such as cyberwarfare and cyberdefense—are also among the most computationally and electrically intensive.[50] To ensure these AI tools can reliably protect the American homeland and promote American interests abroad, the physical facilities must be located in the United States.[51] To do otherwise could leave our most important technologies at the mercy of foreign governments.[52] In short, as explained by Mr. Russo and Dr. Cohen, the United States' current lead on AI "is not merely a commercial concern but a strategic national asset."[53]

Recognizing the "broad economic and military benefits" at stake, the federal government has fundamentally reoriented national policy to win the AI race.[54] In Executive Order 14179,

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[46] Ball at 15.

[47] *Id.* at 15-16.

[48] Daniel Michaels & Dov Lieber, *How AI is Turbocharging the War in Iran*, Wall St. J. (Mar. 7, 2026), https://www.wsj.com/tech/ai/how-ai-is-turbocharging-the-war-in-iran-aca59002; Amrith Ramkumar et al., *Pentagon Used Anthropic's Claude in Maduro Venezuela Raid*, Wall St. J. (Feb. 15, 2026), https://www.wsj.com/politics/national-security/pentagon-used-anthropics-claude-in-maduro-venezuela-raid-583aff17.

[49] Ball at 22.

[50] *Id.* at 30.

[51] *Id.* at 20.

[52] *Id.*

[53] Russo & Cohen at 20.

[54] Ball at 12.

President Trump declared that it is the federal government's policy to "sustain and enhance America's global AI dominance."[55] Carrying out this goal, the AI Action Plan laid out 90 federal policy positions designed to "build and maintain vast AI infrastructure and the energy to power it[56]" In unveiling the plan, President Trump declared that the United States will do "whatever it takes" to lead the world in artificial intelligence.[57] Secretary Wright launched the Genesis Mission to "unleash the full power of our National Laboratories, supercomputers, and data resources to ensure that America is the global leader in artificial intelligence."[58] And recently, in establishing the military's Artificial Intelligence Strategy, Secretary Hegseth emphasized that "AI-enabled warfare and AI-enabled capability development will re-define the character of military affairs over the next decade" and that the military must "becom[e] an 'AI-first' warfighting force . . . ."[59]

II. Electricity is the Binding Constraint in Reaching America's AI Potential.

Electricity is the single biggest constraint to AI expansion.[60] After a decade-plus of stagnant electric demand,[61] the nation's energy needs are now increasing at a rate and with an

[55] Exec. Order No. 14,179 § 2, 90 Fed. Reg. 8741 (Jan. 23, 2025).

[56] *See* AI Action Plan at 1.

[57] Ball at 11-12 (quoting Justin Hendrix, *Transcript: Donald Trump's Address at 'Winning the AI Race' Event*, Tech Policy Press (July 24, 2025), https://www.techpolicy.press/transcript-donald-trumps-address-at-winning-the-ai-race-event/).

[58] U.S. Dep't of Energy, *Energy Department Launches 'Genesis Mission' to Transform American Science and Innovation Through the AI Computing Revolution* (Nov. 24, 2025) (quoting Secretary Wright), www.energy.gov/articles/energy-department-launches-genesis-mission-transform-american-science-and-innovation; *see also* Exec. Order No. 14,363, 90 Fed. Reg. 55,035 (Nov. 24, 2025) (launching the Genesis Mission).

[59] Secretary Pete Hegseth, Memorandum re Artificial Intelligence Strategy for the Department of War (Jan. 9, 2026), https://media.defense.gov/2026/Jan/12/2003855671/-1/-1/0/ARTIFICIAL-INTELLIGENCE-STRATEGY-FOR-THE-DEPARTMENT-OF-WAR.PDF.

[60] Schnitzer at 5-7; Russo & Cohen at 8-9; Ball at 3.

[61] Energy Info. Admin., *After More than a Decade of Little Change, U.S. Electricity Consumption is Rising Again* (May 13, 2025), https://www.eia.gov/todayinenergy/detail.php?id=65264.

urgency not seen since World War II, spurred on by data center development.[62] That is in part because AI is computationally and electrically intensive.[63] Training AI systems requires extraordinary amounts of electricity to support specialized computer chips that can process trillions of points from large datasets.[64] AI also requires significant energy to process billions of daily queries from millions of users.[65] Given the expanding use of AI across the economy, data center demand for electricity could grow by 160 percent by 2030,[66] representing up to 17 percent of aggregate national consumption (compared to 4-5 percent today).[67]

Given the power needs of AI technologies, most forecasters estimate that data centers may require between 300 and 400 TWh per year of electricity by 2030 (equal to about 10 percent of U.S. energy use), but estimates range as high as 1,050 TWh per year (more than 25 percent of U.S. energy use).[68]

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[62] Chris Seiple, *Gridlock: The Demand Dilemma Facing the US Power Industry*, Wood Mackenzie (Oct. 2024), https://www.woodmac.com/horizons/gridlock-demand-dilemma-facing-us-power-industry/.

[63] Ball at 25-30.

[64] *Id.* at 27-28.

[65] *Id.* at 28.

[66] *Id.* at 32; Goldman Sachs, *AI Is Poised to Drive 160% Increase in Data Center Power Demand* (May 14, 2024), https://www.goldmansachs.com/insights/articles/AI-poised-to-drive-160-increase-in-power-demand.

[67] Edison Power Rsch. Inst. ("EPRI"), *Powering Intelligence 2026: Updated Scenarios of U.S. Data Center Electricity Use and Power Strategies* at 3 (2026), https://www.epri.com/research/products/000000003002034696 ("EPRI, *Powering Intelligence 2026*") (revising demand projections upward by about 60 percent from 2024 estimates).

[68] Ian Goldsmith & Zach Byrum, *Powering the US Data Center Boom: Why Forecasting Can Be So Tricky*, World Res. Inst. (Sept. 17, 2025), https://www.wri.org/insights/us-data-centers-electricity-demand; *e.g.*, EPRI, *Powering Intelligence 2026* at 5 (forecasting "roughly 380 to 790 TWh by 2030" in U.S. data center electricity use).

Fig. 1: Projections of Data Center Load Growth Are Rapidly Increasing[69]

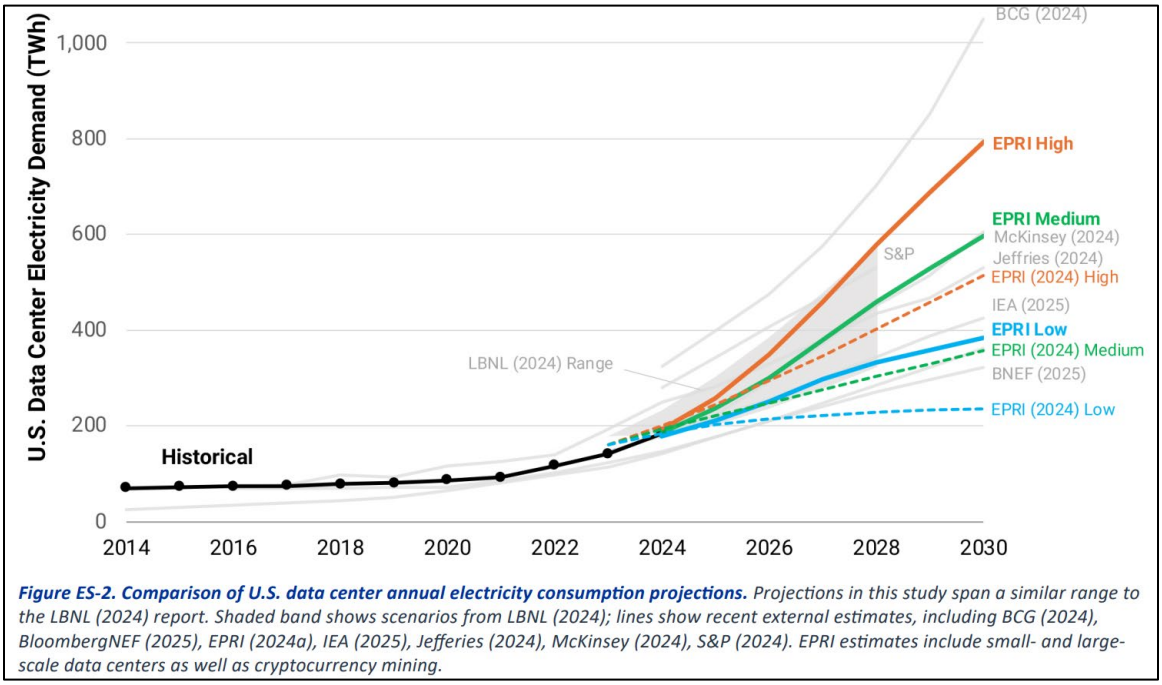


Figure ES-2. Comparison of U.S. data center annual electricity consumption projections. *Projections in this study span a similar range to the LBNL (2024) report. Shaded band shows scenarios from LBNL (2024); lines show recent external estimates, including BCG (2024), BloombergNEF (2025), EPRI (2024a), IEA (2025), Jefferies (2024), McKinsey (2024), S&P (2024). EPRI estimates include small- and large-scale data centers as well as cryptocurrency mining.*

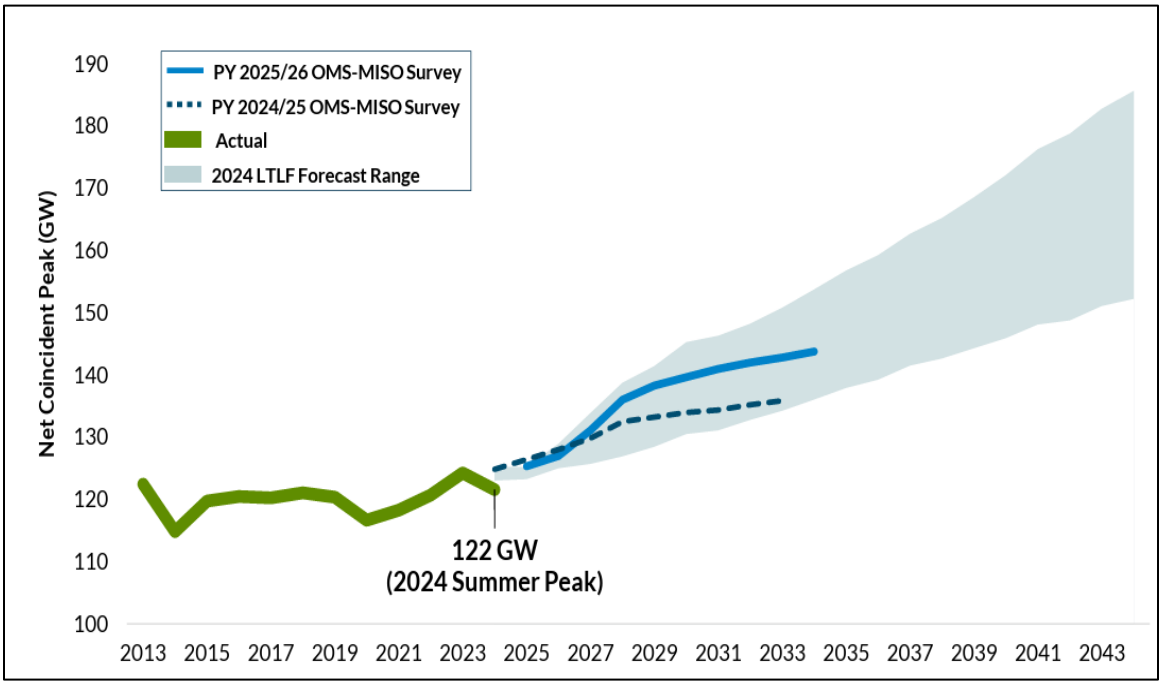
Forecasts in MISO and SPP are in accord. MISO's incremental load projection for 2040 has roughly quadrupled; on the high end, MISO may require an additional 587 TWh of energy by 2044.[70] That's *nearly double* the current level across the region.[71] The following chart illustrates how growth is expected to affect MISO's annual peak loads:

[69] EPRI, Powering Intelligence 2026 at 5 fig.ES-2

[70] MISO 2024 Workshop at 16; *see also N.D. Pub. Serv. Comm'n v. Midcontinent Indep. Sys. Operator, Inc.*, Docket No. EL25-109, Motion to Dismiss and Protest of Xcel Energy Service Inc. et al., Attach. No. CRA-1, Affidavit of Christopher J. Russo at 45 (filed Sept. 9, 2025) (discussing MISO's 2024 net demand forecasts of "between 1.1% and 2.0% per year until 2044 (compared with the 0.82% assumed for tranche 2.1)").

[71] *See* MISO 2024 Workshop at 16.

Fig. 2: MISO Forecasts Rapidly Increasing Load Growth[72]

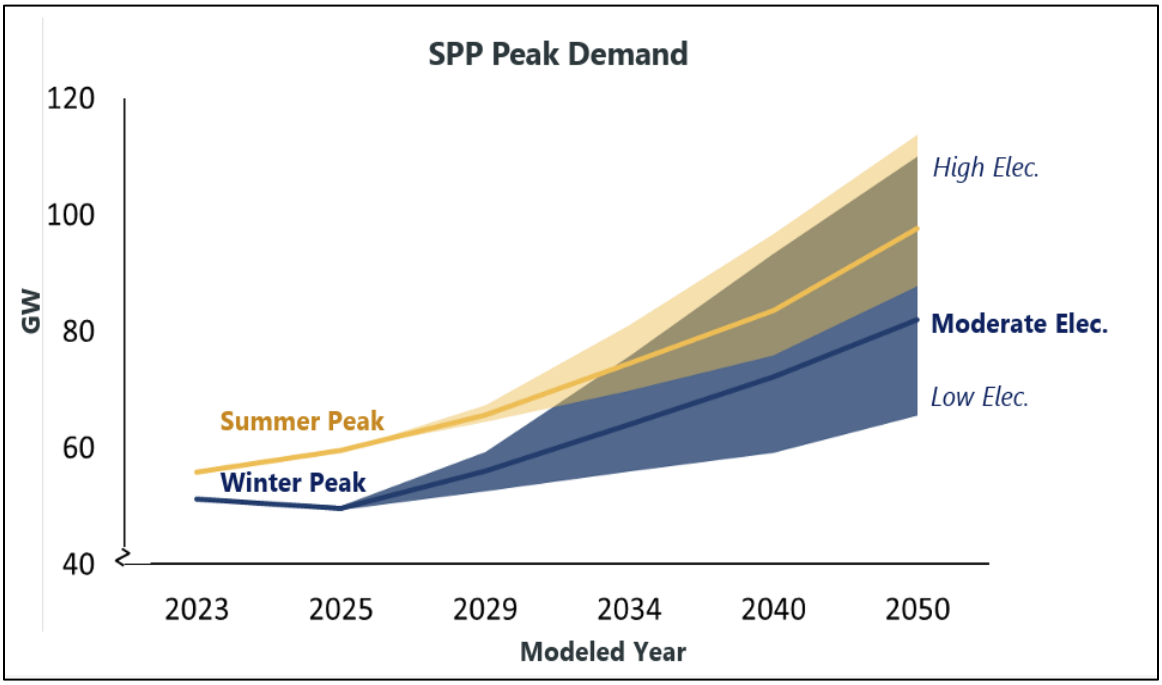


For its part, SPP has projected that data center load and other sources could cause its peak load to grow to 97 gigawatts by 2035, up from 56 gigawatts last year.[73] The following chart developed by the Brattle Group for SPP illustrates how growth is expected to affect SPP's annual peak loads:

[72] MISO, Power Missouri Symposium, *Reliability: Managing Missouri's Evolving Energy Needs* (Oct. 7, 2025), https://psc.mo.gov/CMSInternetData/ConsumerInformation/Missouri Symposium - MISO.pdf.

[73] Ethan Howland, *SPP to Rely on Demand Response to Help Bridge Shrinking Power Supplies: CEO Nickell*, Utility Dive (Apr. 4, 2025), https://www.utilitydive.com/news/spp-demand-response-prm-planning-reserve-transmission-rto-west/744455/.

Fig. 3: Soaring Demand Growth Projections in SPP[74]



It is beyond cavil that AI power needs are rapidly escalating and that both MISO and SPP "are out of surplus supply."[75] In May 2025, SPP warned that the "region is on the precipice of a resource adequacy crisis."[76] SPP emphasized its expectation that "available capacity [will] drop below the SPP Balancing Authority's reserve margins by 2027 and [that] the region [will] have insufficient capacity to meet peak demand in 2030."[77] MISO has shared similar concerns. In a report to its state regulators, MISO cautioned that, to avoid resource adequacy shortfalls in 2028 through 2031, the annual rate of capacity additions will have to more than double.[78]

[74] Brattle Group, *Future Energy and Resource Needs Study (FERNS) Results*, Prepared for Sw. Power Pool, at 8 (Mar. 18, 2025), https://www.brattle.com/wp-content/uploads/2025/03/07-2025-03-18-FERNS-Results.pdf (staff presentation).

[75] Schnitzer at 7.

[76] *Sw. Power Pool, Inc.*, Docket No. ER25-2296, Submission of Tariff Revisions to Implement the Expedited Resource Adequacy Study, at 1 (May 22, 2025).

[77] *Id.* at 1-2.

[78] *See* Midcontinent Indep. Sys. Operator, Inc., *2025 OMS-MISO Survey Results* at 6-7 (June 6, 2025), https://cdn.misoenergy.org/2025%20OMS-MISO%20Survey%20Fact%20Sheet702641.pdf.

Likewise, NERC has identified MISO and SPP as facing resource adequacy challenges.[79] NERC also has found that summer peak demand is forecast to rise by over 224 gigawatts over a 10-year period, which is 69 percent higher than the prior year's 10-year projection (132 gigawatts); similarly, winter demand is projected to rise by over 245 gigawatts, a 65 percent increase over the prior 10-year projection (149 gigawatts).[80] And compound annual growth rates for summer and winter peak demand are the highest since NERC began tracking them in 1995.[81]

Yet even as we face these historic increases in electricity demand, the expansion of the U.S. transmission grid has slowed dramatically over the last ten years.[82] The Department of Energy has found that the nation's "transmission network is increasingly congested, unable to serve load with the least cost set of resources, including at times of acute need such as when extreme weather strains the reliability of the power grid."[83] The United States now lags far behind China on completed miles of ultra-high voltage lines: in the 2020s, China has completed more than 8,200 miles of ultra-high voltage lines while the United States completed a small fraction.[84] Electricity

[79] N. Am. Elec. Reliability Corp., *2025 Long-Term Reliability Assessment* at 8 (Jan. 2026), https://www.nerc.com/globalassets/our-work/assessments/nerc_ltra_2025.pdf. Reports that NERC may downgrade MISO to "elevated risk" only underscore why the relief sought in this Complaint is necessary. According to press reports, NERC intends to recategorize MISO as elevated risk based on its expedited interconnection queue. Amanda Durish Cook, *MISO: NERC to Dial Down RTO's Risk Level; Members Create Large Load Working Group* RTO Insider (Mar. 25, 2026), https://www.rtoinsider.com/128949-miso-nerc-will-lower-risk-level-stakeholders-create-large-load-working-group/. But as explained below, generators entering under that queue often receive interconnection agreements that include as contingent facilities transmission projects that are subject to delay-inducing solicitation requirements.

[80] N. Am. Elec. Reliability Corp., *2025 Long-Term Reliability Assessment* at 9, 25.

[81] *Id.* at 25.

[82] *See, e.g.*, Nathan Shreve et al., *Fewer New Miles: Strategic industries held back by slow pace of transmission*, Grid Strategies at 4 fig.1 (July 2025), https://gridstrategiesllc.com/wp-content/uploads/ACEG_Grid-Strategies_Fewer-New-Miles-2025_vF.pdf ("Nathan Shreve et al., *Fewer New Miles*").

[83] U.S. Dep't of Energy, *Transmission Impact Assessment* at 5 (Oct. 2024), https://www.energy.gov/sites/default/files/2024-10/DOE_OP_2024_Report-Transmission_Impact_Assessment.pdf.

[84] Testimony of Rob Gramlich, President, Grid Strategies LLC, U.S. Sen. Energy & Nat. Res. Comm. at 4 (July 23, 2025), https://www.energy.senate.gov/services/files/AF68ACFA-8FD9-4611-A936-

needs, meanwhile, are only expected to *accelerate* in the 2030s as next-generation AI technologies hit their stride. Thus, Mr. Russo and Dr. Cohen conclude, the binding constraint on AI expansion is not "capital, technology, or demand, but grid readiness."[85]

Industry leaders confirm that electric availability is holding back AI development. In a 2025 Deloitte report, 72 percent of power company and data center executives surveyed identified power grid capacity as "very" or "extremely challenging" to AI infrastructure—the top concern.[86] In another report, 44 percent of data center leaders surveyed indicated that the average utility wait time for interconnecting new data centers exceeds four years.[87]

Many AI leaders have specifically confirmed that they are being inhibited by grid and power constraints:

Amazon. "We have more demand than we have capacity . . . . The single biggest constraint is power." – Andy Jassy, Chief Executive Officer.[88]

Microsoft. Microsoft has "a bunch of chips sitting in inventory that [it] can't plug in." – Satya Nadella, Chief Executive Officer.[89]

Google. Because the "transmission grid that is struggling to keep up[,] . . . it takes too long to interconnect new large loads and new generation." [90]

76F4418E0C7C ("Gramlich, U.S. Senate Testimony") (testifying that the United States completed just 375 miles during the same period).

[85] Russo & Cohen at 9.

[86] Ball at 33; Martin Stansbury et al., *Can US Infrastructure Keep Up with the AI Economy?*, Deloitte Ctr. for Energy & Indus. (June 24, 2025), https://www.deloitte.com/us/en/insights/industry/power-and-utilities/data-center-infrastructure-artificial-intelligence.html.

[87] Ball at 33; Matt Vincent, *Facing the Post-AI Energy Crunch: New Research Correlates Data Center Power Delays with Innovation Strategies*, Data Ctr. Frontier (May 12, 2025), https://www.datacenterfrontier.com/machine-learning/article/55289418/facing-the-post-ai-energy-crunch-new-research-correlates-data-center-power-delays-with-innovation-strategies.

[88] Q2 2025 Amazon.com, Inc. Earnings Conference Call, July 31, 2025, https://ir.aboutamazon.com/events/event-details/2025/Q2-2025-Amazoncom-Inc-Earnings-Conference-Call-/default.aspx.

[89] Satya Nadella - Interview, *All things AI, A Halloween Special*, YouTube, uploaded by BG2 Pod (Oct. 31, 2025), https://www.youtube.com/watch?v=Gnl833wXRz0.

[90] *Interconnection of Large Loads to the Interstate Transmission System*, Docket No. RM26-4-000, Reply comments of Google LLC at 2 (filed Dec. 5, 2025).

> ***Open AI.*** "[L]imits on how much electricity the US can generate to power AI development threaten both our ability to seize this once-in-a-century opportunity, and our advantage on the most consequential technology since electricity itself."[91]

These headwinds are already slowing the industry's growth, with new announced U.S. data center capacity dropping by about half from Q3 to Q4 2025.[92] Indeed, given these transmission grid constraints, Mr. Schnitzer reports that "[s]ome AI developers are turning to completely off grid campuses, forgoing the reliability and reserve sharing benefits of being grid-connected, in order to avoid transmission related delays."[93]

III. Rebuilding U.S. Manufacturing Requires Removing Roadblocks To Expanding the Grid.

AI is just one part of the story. The Trump Administration has also put reshoring American manufacturing at the heart of its agenda. The economic benefits of an industrial renaissance are vast: manufacturing jobs have higher average wages, are job-creation multipliers in other sectors, and greatly boost R&D investment across the United States.[94] As American manufacturing dominance grows, "innovation surges, factories expand, opportunities multiply, and capital flows back into our Nation."[95] A larger industrial base will also help the United States project more strength abroad by "promot[ing] U.S. technological dominance" and making U.S. defensive

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[91] Letter from Christopher Lehane, Chief Global Affairs Officer, OpenAI, to Michael Kratsios, Executive Director, Office of Science and Technology Policy, at 1 (Oct. 27, 2025), https://cdn.openai.com/pdf/21b88bb5-10a3-4566-919d-f9a6b9c3e632/openai-ostp-rfi-oct-27-2025.pdf.

[92] Press Release, Wood Mackenzie, *Newly Added US Data Center Capacity Slows Down Considerably in Q4 2025, As Market Struggles to Keep Up with Explosive Demand* (Mar. 16, 2026), https://www.woodmac.com/press-releases/newly-added-us-data-center-capacity-slows-down-considerably-in-q4-2025-as-market-struggles-to-keep-up-with-explosive-demand/.

[93] Schnitzer at 9.

[94] U.S. Trade Representative, *2025 Trade Policy Agenda and 2024 Annual Report*, The President's 2025 Trade Policy Agenda, at 2 (Feb. 2025), https://ustr.gov/sites/default/files/files/reports/2025/2025%20Trade%20Policy%20Agenda%20WTO%20at%2030%20and%202024%20Annual%20Report%2002282025%20--%20FINAL.pdf ("President's 2025 Trade Policy Agenda").

[95] Proclamation No. 10,977, *National Manufacturing Day 2025*, 90 Fed. Reg. 48,159, 48,159 (Oct. 3, 2025).

capabilities more independent of foreign adversaries like China.[96] The Trump Administration thus has launched a whole-of-government push to reshore production, secured trillions of dollars in new investments, and signed into law tax incentives for new factories and industrial upgrades in the One Big Beautiful Bill Act.[97]

Rebuilding American industry after decades of neglect will require prodigious amounts of electricity. That is because manufacturers, like the data centers used for AI, "need abundant energy sources to power their operations" and at affordable prices.[98] Take for example the aluminum industry. Aluminum is an essential component for countless products like computer chips, advanced weapons, cars, and consumer packaging.[99] Smelting the commodity, however, requires near-constant electric power, meaning "access to long-term, business-competitive electricity" is the single most important factor for expanding domestic aluminum production.[100] If manufacturers cannot find reliable and affordable electricity, they will relocate or not build factories at all.[101] And electricity is even more important for new, fast-growing industries like

[96] The President's 2025 Trade Policy Agenda at 2; *see also* Exec. Order No. 14272, § 1, 90 Fed. Reg. 16,437, 16,437-38 (Apr. 15, 2025).

[97] The White House, Office of Sci. & Tech. Pol'y, *Trump Administration Science & Technology Highlights: Year One* at 60 (Jan. 2026), https://www.whitehouse.gov/wp-content/uploads/2026/01/WHOSTP-2025-Wins.pdf; Proclamation No. 10,977, 90 Fed. Reg. at 48,159.

[98] Nat'l Ass'n of Manufacturers, *The Manufacturing Roadmap to AI & Energy Dominance* at 2 (Oct. 2025), https://nam.org/wp-content/uploads/securepdfs/2025/10/NAM-AI-and-Energy-Booklet-2025-digital-.pdf.

[99] The Aluminum Ass'n & Wittsend Commodity Advisors, *Powering Up American Aluminum: A Roadmap for Next Generation Supply Chain Resilience*, at 2, 3 (May 2025), https://www.aluminum.org/sites/default/files/2025-05/PoweringUpAluminum_WhitePaper_2025.pdf.

[100] *Id.* at 2.

[101] *E.g.*, Jason Plautz, *Heavy Industry Competes with AI for Grid Access*, E&E News (Feb. 20, 2026), https://www.eenews.net/articles/heavy-industry-competes-with-ai-for-grid-access/ (reporting sale of idled aluminum smelter due to rising electricity costs).

semiconductors and batteries, which are especially electricity-intensive and have "the potential to represent vast volumes of new electricity demand."[102]

America's manufacturing buildout is already driving load growth. Last summer, NERC found that "demand growth is now higher than at any point in the past two decades" because "[i]ncreasing amounts of large commercial and industrial loads are connecting rapidly" to the grid.[103] Recent forecasts predict 30 GW in peak load growth by 2030 from U.S. industrial expansion, with 5 GW of that industrial load growth in MISO alone.[104] SPP likewise is expected to see 5 GW of load growth in the next five years from electrification of the region's booming oil & gas industry—leading the nation in electric growth in that sector.[105]

Companies are already bringing new factories and economic opportunities to the central United States, from Hyundai's new $5.8 billion steel manufacturing plant in Louisiana,[106] to car-engine factory expansions in Indiana,[107] to hundreds of millions of dollars in new defense and

[102] Cy McGeady, *Powering the Commanding Heights: The Strategic Context of Emergent U.S. Electricity Demand Growth*, Ctr. for Strategic & Int'l Stud., at 8 (Oct. 2024), https://csis-website-prod.s3.amazonaws.com/s3fs-public/2024-10/241028_McGeady_Commanding_Heights.pdf; *id.* at 2 ("The most strategically valuable technologies and industries of the future are uniquely electricity intensive.").

[103] N. Am. Elec. Reliability Corp., *2024 Long-Term Reliability Assessment* at 8 (corrected July 11, 2025), https://www.nerc.com/globalassets/our-work/assessments/2024-ltra_corrected_july_2025.pdf; Energy Info. Admin., *After More Than a Decade of Little Change, U.S. Electricity Consumption Is Rising Again* (May 2025), https://www.eia.gov/todayinenergy/detail.php?id=65264 (same).

[104] John D. Wilson et al., *Power Demand Forecasts Revised Up for Third Year Running, Led by Data Centers*, Grid Strategies LLC at 4, 14 (Nov. 2025), https://gridstrategiesllc.com/wp-content/uploads/Grid-Strategies-National-Load-Growth-Report-2025.pdf.

[105] *Id.* at 15.

[106] Press Release, Entergy, *Entergy Louisiana to Power $5.8B Hyundai Steel Plant* (Mar. 24, 2025), www.entergy.com/news/entergy-louisiana-to-power-5-8b-hyundai-steel-plant.

[107] Press Release, Stellantis, *Stellantis to Invest $13 Billion to Grow in the United States* (Oct. 14, 2025), www.stellantis.com/en/news/press-releases/2025/october/stellantis-to-invest-13-billion-to-grow-in-the-united-states.

aerospace investments in Oklahoma in 2025 alone.[108] Building on this momentum will require cheap, plentiful electricity across the Midwest, Great Plains, Southwest, and Gulf Coast.[109] That in turn calls for swift and vigorous action by regulators to remove obstacles to the timely deployment of transmission. As the Department of Energy recently warned, "[a]bsent *decisive intervention*, the nation's power grid will be unable to meet projected demand for manufacturing, re-industrialization, and data centers driving [AI] innovation."[110]

IV. Rapidly Constructing Transmission Networks in MISO and SPP is Essential to Powering Victory in the AI Race and Expanding Manufacturing.

Powering data centers, winning the AI race, and expanding manufacturing requires rapidly expanding backbone transmission systems in MISO and SPP. Backbone transmission systems—like interstate highways—create significant operational and planning flexibility; they relieve congestion, enabling power to be deliverable across long distances, improve reliability, and spur power-intensive economic development opportunities.[111] For that reason, transmission is—as Mr.

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[108] Okla. Dep't of Com., *Oklahoma ACES Program Fuels Over $322 Million in Investment, Securing Over 610 New Jobs in Aerospace and Advanced Manufacturing* (Dec. 1, 2025), https://www.okcommerce.gov/aces-program-fuels-over-322-million-in-investment/.

[109] *See* Grant Miller, *Energy Costs and Constraints Are Reshaping Site Selection in 2025*, Area Dev. Mag. (Q2 2025), https://www.areadevelopment.com/energy/q2-2025/energy-costs-and-constraints-are-reshaping-site-selection-in-2025.shtml (reporting survey results conducted by Area Development regarding business expansion and location decisions in 2025, finding that "energy availability and costs rank among the leading concerns. For those in the site selection or location consulting industries, electricity is a central, ongoing discussion point.").

[110] U.S. Dep't of Energy, *Resource Adequacy Report: Evaluating the Reliability and Security of the United States Electric Grid* at 1 (July 2025), https://www.energy.gov/sites/default/files/2025-11/DOE%20Final%20EO%20Report%20%28REVISED%20OCT%2027%29.pdf (emphasis added).

[111] *See, e.g.*, SPP, *2025 Integrated Transmission Planning Assessment Report* at 19 (Nov. 25, 2025), www.spp.org/media/2429/2025-itp-report-v10.pdf ("2025 ITP Assessment Report") ("The network recommended in the 2025 ITP portfolio is a combination of ten 765 kV lines (with one being a double circuit). To achieve equivalent energy transfers with the current construct, almost 50 345 kV lines with a cost of $37 billion would be necessary. This would cost approximately 2.5 times more than creating a 765 kV system."); BenchMark, *From Bottleneck to Breakthrough: How 765-kV Transmission Could Save the Grid* (Sept. 30, 2025), https://info.burnsmcd.com/benchmark/from-bottleneck-to-breakthrough-how-765-kv-transmission-could-save-the-grid ("A single circuit of 765-kV can move as much electricity as three double-circuit or six single-circuit 345-kV lines while occupying a smaller overall right-of-way. It can carry three times the power of a 500-kV line.").

Schnitzer explains—"the long pole in the tent" that enables RTOs "to accept new large load interconnections [(]which can draw 1,000 MW from the grid at a single location[)] without creating reliability issues," and to interconnect generation resources and make them deliverable.[112]

MISO and SPP, accordingly, have made backbone transmission centerpieces of their strategies to facilitate large load interconnection. As MISO observed, backbone transmission projects are "essential given the rising load forecasts,"[113] and the development of 345 kV and 765 kV lines thus will facilitate the "growth of new data centers, U.S. manufacturing and electrification."[114] SPP has found that ultra-high-voltage 765 kV lines are "[t]he best path forward to address the challenges the SPP members are facing" as they are "capable of carrying large amounts of power quickly and reliably across the footprint."[115] And SPP has confirmed that "[w]ithout significant transmission expansion, delivering power to meet [large load] growth will be limited and would additionally further strain the existing network."[116] Indeed, "SPP's transmission system is at capacity. . . . Simply adding new generation will not resolve the challenges created by sustained demand."[117]

The ability to reliably deliver power is an express and foundational goal of transmission planning for both MISO and SPP. As MISO explains, "[t]he goal of the transmission planning process is to identify a least-regrets outcome that . . . provides reliable power delivery[] . . . ."[118]

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[112] Schnitzer at 8-9.

[113] *N.D. Pub. Serv. Comm'n v. Midcontinent Indep. Sys. Op., Inc.*, Docket No. EL25-109, Letter from MISO to Chairman Rosner at 3 (filed Oct. 8, 2025).

[114] MISO, *Fact Sheet: Long Range Transmission Planning (LRTP) Tranche 2.1* (Dec. 2024), cdn.misoenergy.org/LRTP%20Tranche%202.1666573.pdf.

[115] *Id.* at 18-19.

[116] 2025 ITP Assessment Report at 90.

[117] *Id.* at 16.

[118] MISO, MTEP 24 Report at 7 (2024), stateimpactcenter.org/images/general/MTEP24-Full-Report658025.pdf ("MTEP 24 Report").

MISO's Long Range Transmission Planning process, in particular, focuses on "projects that are . . . needed to move bulk power between geographically dispersed areas within MISO."[119] Thus, for example, MISO's goals in Tranche 2.1 included "reducing congestion throughout the area," "increas[e] import ability to key load centers," and "resolving local constraints throughout the region."[120] MISO also explained that its Tranche 2.1 portfolio "increases transfer capability to enhance capacity deliverability that reduces the amount of unserved energy."[121] SPP, for its part, has recognized the core goal of its Integrated Transmission Planning ("ITP") "to develop a 10-year regional transmission plan that provides reliable and economic energy delivery . . . while maximizing benefits to the end-use customers."[122] Indeed, two of SPP's key ITP objectives are "[i]mprov[ing] access to markets" and "[m]eet[ting] expected load-growth demands."[123] Accordingly, in the 2025 ITP, SPP focused on preparing "for unquestioned load growth" by promoting projects that "would provide opportunity and capacity for new loads by efficiently using existing resources and allowing new resources to be more effective."[124]

Stakeholders in MISO and SPP are also pursuing additional efforts to power large loads, but these efforts are not enough without more transmission.[125] For example, both MISO and SPP have taken steps to enhance their interconnection queues and interconnect shovel-ready projects more quickly.[126] MISO and SPP are also pursuing various local transmission solutions—such as

[119] *Id.* at 11.

[120] *Id.* at 15.

[121] MTEP24 Report at 146.

[122] 2025 ITP Assessment Report at 27.

[123] *Id.*

[124] *Id.* at 19-20.

[125] Schnitzer at 19; Russo & Cohen at 11-12.

[126] *See Midcontinent Indep. Sys. Operator, Inc.*, 192 FERC ¶ 61,064 at P 1 (2025); *Sw. Power Pool, Inc.*, 192 FERC ¶ 61,062 at P 1 (2025); *see also* MISO, *2026 Reliability Imperative Report* at 11-12 (discussing interconnection process reforms).

reviewing limited transmission projects out of cycle[127]—or providing additional pathways for large load interconnections, such as non-firm service.[128] But these stopgaps, though helpful to promote speed to power, standing alone are not enough to address the pressing need to timely interconnect new generation and large loads.[129] And even if supply and load can physically interconnect to the grid (as interconnection reforms aim to encourage), generation *must be deliverable* for a new large load to obtain firm service. New supply does little if it cannot reach data centers with power needs equal to cities. That is a main contribution of backbone transmission—it creates flexibility to interconnect new load and generation, and to make supplies deliverable. While the short-term solutions adopted by grid operators (including MISO and SPP) are necessary and important, they merely set the table for the more fundamental task of securing our long-term energy needs over the next decade, when the AI race is likely to be decided. That is what this Complaint targets.

V. Solicitation Requirements in MISO and SPP Delay Critical Transmission Projects By 16–20 Months On Average—Often More.

Traditionally, incumbent transmission owners simply developed and built needed projects in their service territories, working collaboratively with neighboring utilities. But following Order No. 1000, MISO and SPP adopted multi-step solicitation requirements that inflict demonstrable

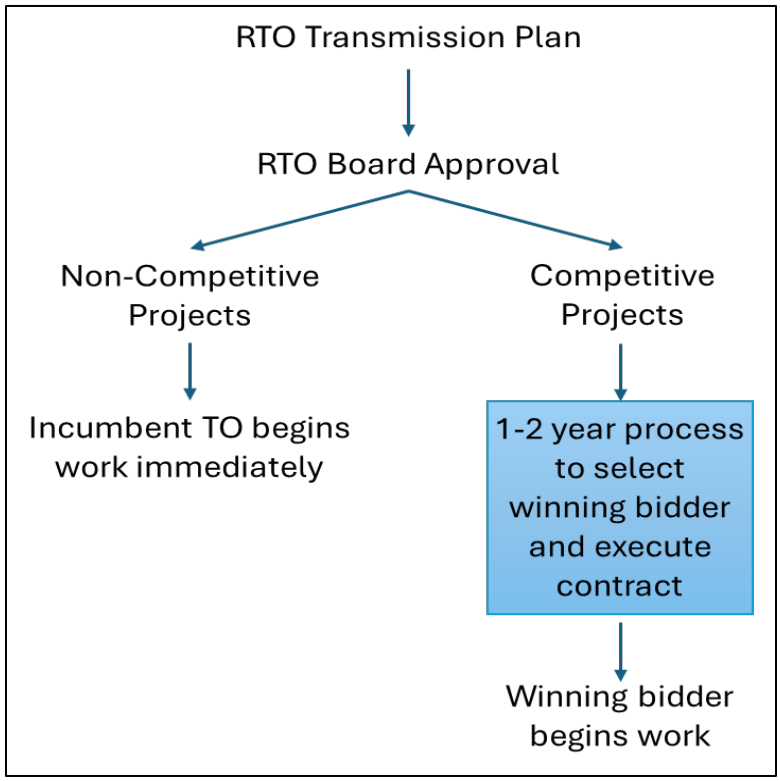
[127] *See* MISO Tariff, Attach. FF § I.D.1.c (describing the expedited project review process).

[128] *See Sw. Power Pool, Inc.*, 194 FERC ¶ 61,031 (2026) (accepting SPP's proposed High Impact Large Load (HILL) and High Impact Large Load Generation Assessment (HILLGA) processes); *Sw. Power Pool, Inc.*, Docket No. ER26-1323, Submission of Tariff Revisions to Add Conditional High Impact Large Load Service (CHILLS) (filed Feb. 10, 2026); *Interconnection of Large Loads to the Interstate Transmission System*, Docket No. RM26-4, Comments of Southwest Power Pool Inc. at 6-7 (filed Nov. 21, 2025).

[129] *See*, *e.g.*, *PJM Interconnection, L.L.C.*, 193 FERC ¶ 61,217, Chang, Comm'r, concurring at P 12 (2025) ("As part of solving [the clogged interconnection queue] problem, PJM must ensure that the transmission system is built to adequately support the interconnection of new, needed generation."); Grid Strategies at 6 ("Expanding the grid is critical to meeting high load growth and enabling the development of strategic industries while maintaining reliability. Lack of sufficient transmission within and between regions will constrain the grid's capacity to meet all forecast power demand.").

delays on *every* covered transmission project, except those constructed in states with their own ROFR laws. The delays caused by the solicitation processes are significant and verifiable. Experience has shown that the MISO and SPP solicitations add 16–20 months on average, which as noted below, may understate the full delay.

Fig. 4: Solicitations Add Forced Delays To Every Covered Project[130]



MISO requires solicitation for Multi-Value Projects ("MVPs") and Market Efficiency Projects ("MEPs").[131] MVPs include "regional backbone facilities needed to move bulk power between geographically dispersed areas within MISO."[132] MEPs are other important projects

[130] Schnitzer at 12 fig.2.

[131] MISO Tariff, Attach. FF § II.B & II.C; *Midwest Indep. Transmission Sys. Operator, Inc.*, 142 FERC ¶ 61,215 at PP 196, 200 & n.354 (2013).

[132] MTEP 24 Report at 11.

meeting certain cost and voltage requirements that reduce congestion.[133] MISO's solicitation process has four parts once the Board approves the transmission plan:

- RFPs are released within 60 days of Board approval for a single project. But if MISO has approved multiple projects subject to solicitation, it may "stagger" RFP release—with RFPs delayed by up to a year after approval.[134]
- Proposals are due within 165 days of RFP issuance.[135]
- MISO selects a winning proposal within 165 days of the proposal deadline.[136]
- MISO and the selected developer execute an agreement within 60 days of selection.[137]

MISO's solicitation process has lasted more than 20 months on average for projects currently under review, with two projects taking over two years (Figure 5).

[133] MISO Tariff, Attach. FF § II.B.
[134] MISO Tariff Attach. FF § VIII.C.
[135] MISO Tariff Attach. FF § VIII.D.1.
[136] MISO Tariff Attach. FF § VIII.E.
[137] MISO Tariff Attach. FF § VIII.F.

Fig. 5: MISO's Solicitations Add An Average Of 20 Months Of Delay[138]

SPP operates similarly.[139] Unless an exception applies, non-local transmission projects at or above 100 kV must go through solicitations.[140] Where a project lacks a ROFR, SPP (like MISO) also follows a four-part process:

- RFPs are released by the later of (i) 30 days after Board approval or (ii) 18 months before financial expenditure needed.[141]
- Proposals are due within 180 days, though SPP may reduce the RFP window to 90 days based on need.[142]

[138] Schnitzer at 14 fig.3.

[139] On November 3, 2025, SPP filed proposed revisions to its tariff to implement Phase I of its Consolidated Planning Process ("CPP") (Docket No. ER26-414), which the Commission approved on March 13, 2026. *Sw. Power Pool, Inc.*, 194 FERC ¶ 61,192. SPP's CPP proposal did not include any changes to Attachment Y of its tariff, which governs its Transmission Owner Selection Process for the competitive solicitation of projects not subject to ROFRs. *Id.* at P 53 n.102 ("[W]e note that SPP did not propose to change the competitive transmission development process.").

[140] SPP Tariff, Attach. Y § I.1.

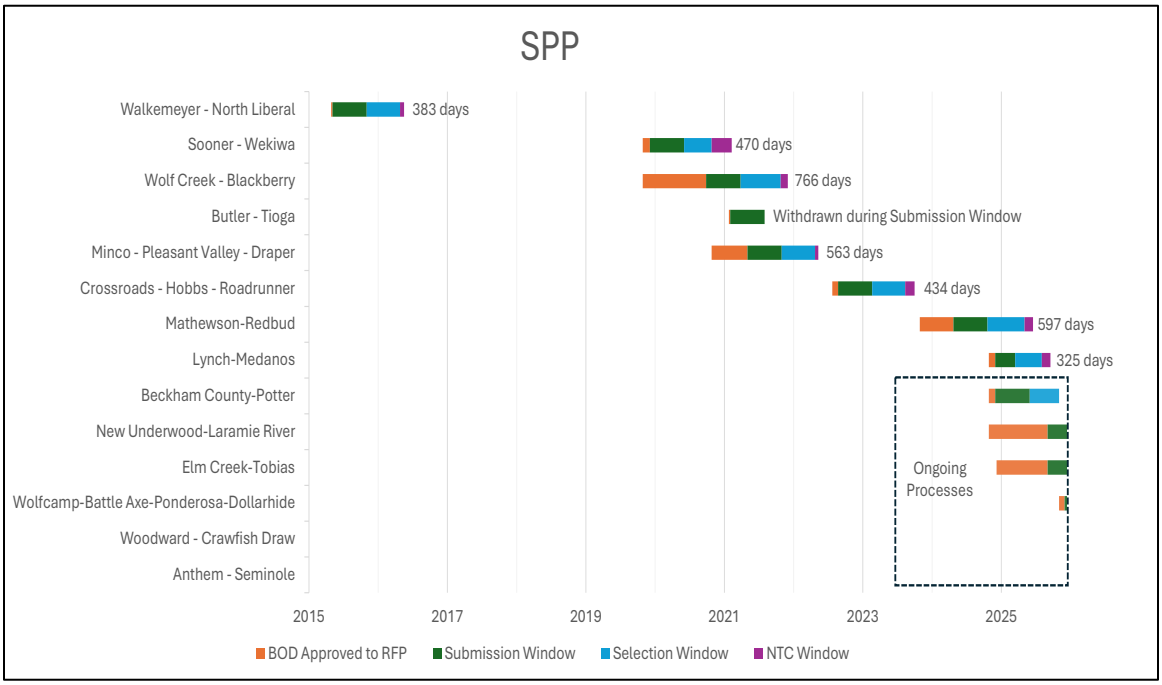
[141] SPP Tariff Attach. Y § III.2.e.i.

[142] SPP Tariff Attach. Y § III.2.c.xx.

- SPP's industry expert panel then selects a winning proposal within 90 days of initiating the review,[143] and the recommended winner is forwarded to the SPP Board for approval.
- SPP and the selected developer execute an agreement within seven days of selection.[144]

SPP's solicitation process has taken an average of more than 16 months to complete (Figure 6).

Fig. 6: SPP's Solicitations Add An Average Of More Than 16 Months Of Delay[145]



These delays, if anything, understate the true problem. When a project is not subject to solicitation, transmission owners often begin preparatory work even before receiving final Board approval.[146] Among other things, transmission owners can initiate "detailed engineering, permitting, and procurement" processes, saving months on the timeline, as described by Mr. Schnitzer.[147] But when a project is subject to solicitation, it is not practical (or for that matter

[143] SPP Tariff Attach. Y § III.2.e.vi.
[144] SPP Tariff Attach. Y § III.2.e.vii.
[145] Schnitzer at 14 fig.3.
[146] *E.g.*, Wood (SPS) at 3-5; Standing (NSP) at 6; Terry (ITC) at 4-5.
[147] Schnitzer at 17; Wood (SPS) at 4-6, 7-9, 10-11.

economically sound) for any developer to take these steps until a selection is made.[148] Moreover, after selection, some developers may need to undergo state regulatory approvals to own or operate transmission equipment, adding still more time before a project can even start construction. Mr. Schnitzer's calculation of an average 16 to 20 month delay from solicitation is thus conservative: it does not account for numerous "headstart" advantages from direct assignment.[149]

These delays are not offset later. We are not aware of any evidence showing that competitive developers generally complete projects faster than incumbent utilities. To the contrary, a 2024 study indicates that solicited projects failed to meet their expected in-service by an average of more than a year.[150] The same study showed three of four reviewed incumbent-built projects were delivered on or close to both budget and schedule expectations (with the fourth on budget but partially delayed).[151] And even if competitive developers can identify specific projects that they completed 5-6 months ahead of schedule,[152] that does not even try to show that such developers finished those projects faster than an incumbent would have done (much less that they are systematically faster). Nor, in all events, is it plausible to claim savings anywhere near the 16-20 months of front-end delay imposed by the solicitation process.

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[148] *Id.*; Wood (SPS) at 7, 10.

[149] Schnitzer at 17, 18 n.19.

[150] Ex. J, Concentric Energy Advisors, *An Updated Examination of FERC Order No. 1000 Projects*, Appendix B, at B-1 (Apr. 2024), https://ceadvisors.com/wp-content/uploads/2024/10/An-Updated-Examination-of-FERC-Order-1000-Projects.pdf ("Concentric 2024").

[151] *Id.* at 41-42.

[152] LS Power, *LS Power Completes "Republic Transmission", MISO's First Competitively Awarded Transmission Project* (June 11, 2020), https://www.lspower.com/news/miso-first-competitive-transmission-project-completed/; Press Release, NextEra Energy, *Wolf Creek-Blackberry Transmission Line Energized Ahead of Schedule and on Budget, Strengthening the Electric Grid for Customers in Kansas and Missouri* (Oct. 2, 2025), https://newsroom.nexteraenergy.com/2025-10-02-Wolf-Creek-Blackberry-transmission-line-energized-ahead-of-schedule-and-on-budget,-strengthening-the-electric-grid-for-customers-in-Kansas-and-Missouri?l=12.

LEGAL STANDARD

Section 206 of the Federal Power Act establishes a two-step process to challenge an existing rate. At step one, a complainant must establish by a preponderance of the evidence that a MISO and SPP "rule, regulation, practice, or contract is unjust, unreasonable, unduly discriminatory, or preferential."[153] If this burden is satisfied, at step two the Commission must then establish a just and reasonable alternative rule, regulation, practice, or contract.[154] The Commission has broad discretion when fashioning a remedy.[155]

ARGUMENT

The MISO and SPP Tariffs have become unjust and unreasonable. These tariffs impose a mandatory solicitation process on certain regional transmission projects, delaying them on average 16 – 20 months. Under today's specific circumstances, these solicitation requirements constitute unjust and unreasonable practices because they (1) unreasonably delay service to large loads, which threatens America's standing in the AI race, harms national security, and undermines manufacturing; and (2) deprive all customers of the significant economic, reliability, and resilience benefits of backbone projects. In adopting Order No. 1000, the Commission did not have before it the record of demonstrated delay in MISO and SPP or today's generational need to expand the transmission system rapidly in those regions. Accordingly, the Commission should find that the MISO and SPP Tariffs are now unjust and unreasonable in light of these harms caused by the significant delays of the solicitation process.

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[153] 16 U.S.C. § 824e(b).

[154] *Id.*; *see also New England Power Generators Ass'n v. FERC*, 879 F.3d 1192, 1200 (D.C. Cir. 2018) ("Once the Commission finds that a rate is unjust and unreasonable [under FPA § 206], the Commission bears the burden of determining a new just and reasonable rate.").

[155] *See, e.g.*, *XO Energy MA, LP v. FERC*, 77 F.4th 710, 716 (D.C. Cir. 2023); *Sacramento Mun. Util. Dist. v. FERC*, 616 F.3d 520, 541 (D.C. Cir. 2010).

As described below in Section III, we have identified two reasonable and tailored solutions. First, the Commission could direct MISO and SPP to exempt from solicitation those transmission projects that are needed to interconnect new generation or load if delaying the project would delay service to generation or load. Second, the Commission could direct temporary suspension of these RTOs' solicitation processes for five years, so projects can be directly assigned and solicitation-induced delays avoided.

I. The Commission Has The Power And Duty To Act To Ensure Plentiful, Affordable Electricity.

This Complaint addresses issues at the heart of the Commission's jurisdiction. Under Section 201(b) of the FPA, the Commission's authority includes "the transmission of electric energy in interstate commerce" and "the sale of electric energy at wholesale in interstate commerce."[156] That grant of authority over interstate transmission is "clear" and "unambiguous[]."[157] The same goes for the Commission's authority (under 16 U.S.C. § 824e(a)) over "any rule, regulation, practice, or contract affecting [FERC-jurisdictional] rate[s]."[158]

Just as the Commission's authority to act is clear, so too is its responsibility. Once the Commission finds a "rate," or any "rule, regulation, practice, or contract affecting such rate[] . . . is unjust, unreasonable, unduly discriminatory or preferential," Section 206 *requires* the Commission to "determine the just and reasonable rate, charge[] . . . regulation[] [or] practice[.]"[159] Section 206 encompasses what the Supreme Court has termed "the principal purpose of" the

[156] 16 U.S.C. § 824(b)(1).

[157] *See New York v. FERC*, 535 U.S. 1, 17, 19 (2002); *id.* at 22 (finding that the FPA contains "a clear and specific grant of jurisdiction" to FERC over interstate transmission) (citation modified).

[158] *FERC v. Elec. Power Supply Ass'n*, 577 U.S. 260, 277-78 & n.5 (2016) (finding FERC's authority over "the panoply of rules and practices affecting" wholesale electricity rates to be "clear") (internal quotation marks omitted).

[159] 16 U.S.C. § 824e(a).

Federal Power Act—"encourag[ing] the orderly development of plentiful supplies of electricity . . . at reasonable prices."[160] Accordingly, the Commission has taken steps under Section 206 addressing interconnection queue backlogs,[161] regional transmission planning,[162] and impediments to the entry of new categories of resources.[163] The Commission also has granted Section 206 complaints brought by market participants challenging a variety of wholesale market rules and practices.[164] So too here: action under Section 206 is needed to correct the significant harms caused by solicitation processes in MISO and SPP.

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[160] *NAACP v. FPC*, 425 U.S. at 669-70; *see also Pub. Utils. Comm'n of Cal. v. FERC*, 367 F.3d 925, 929 (9th Cir. 2004) (finding that FERC, in carrying out the purpose of the FPA and NGA, "may consider non-cost factors as well as cost factors in setting rates").

[161] *Improvements to Generator Interconnection Procedures & Agreements*, Order No. 2023-A, 186 FERC ¶ 61,199 at P 10 (2024) (invoking Section 206 to address interconnection tariff processes resulting in significant queue backlogs, longer development timelines, and hindered development of new generation), *modified*, 188 FERC ¶ 61,134 (2024) (errata notice), *pet'n for rev. pending sub nom*. *Advanced Energy United v. FERC*, No. 23-1282 (D.C. Cir. argued Sept. 26, 2025).

[162] *Building for the Future Through Electric*, Order No. 1920, 187 FERC ¶ 61,068 at PP 87-88 (2024) (finding the current system of rules "results in piecemeal, inefficient, and less cost-effective transmission planning[,] [which] imposes real costs on customers" and renders the "Commission's existing transmission planning and cost allocation requirements render those requirements unjust, unreasonable, and unduly discriminatory or preferential in violation of FPA section 206"), *modified on rehearing*, Order No. 1920-A, 189 FERC ¶ 61,126 (2024), *rehearing denied*, Order No. 1920-B, 191 FERC ¶ 61,026 (2025), *pet'n for rev. pending sub nom*. *Appalachian Voices v. FERC*, No. 24-1650 (4th Cir. final briefs filed Mar. 11, 2026).

[163] *Electric Storage Participation in Markets Operated by Regional Transmission Organizations & Independent System Operators*, Order No. 841, 162 FERC ¶ 61,127 at P 19 (2018) ("[W]e find that existing RTO/ISO market rules are unjust and unreasonable in light of barriers that they present to the participation of electric storage resources in the RTO/ISO markets, thereby reducing competition and failing to ensure just and reasonable rates.").

[164] *E.g.*, *New England Power Generators Ass'n v. ISO-New England, Inc.*, 194 FERC ¶ 61,052 at PP 1, 54-55, 59 (2026) (partially granting complaint against tariff rule that unreasonably penalized capacity resources under certain peak load conditions); *Invenergy Transmission LLC v. Midcontinent Independent System Operator, Inc.*, 193 FERC ¶ 61,033 at PP 1, 36, 53 (2025) (partially granting complaint against MISO Tariff that unreasonably failed to specify the incorporation of certain merchant transmission projects into the transmission planning base case analysis); *LS Power Dev., LLC v. PJM Interconnection, LLC*, 192 FERC ¶ 61,149 at PP 1, 76-77 (2025) (partially granting complaint in part and finding PJM's Operating Agreement unreasonably failed to provide sufficient transparency regarding opportunity cost adders for generators); *PJM Interconnection, L.L.C.*, 151 FERC ¶ 61,208, at P 433 (2015) (finding that PJM existing operating parameter tariff provisions were unjust and unreasonable and could allow action by a resource "inconsistent with its obligation to make its capacity available to the PJM region, including during the most critical hours of the year").

II. MISO and SPP's Solicitation Requirements Unjustly and Unreasonably Delay Transmission Projects, Imposing Significant Costs on Customers and Preventing Large Loads from Interconnecting.

By imposing 16-20 months of unjustified delays, MISO and SPP's solicitation processes are unjust and unreasonable. This is true for two primary reasons. First, these delays stymie the interconnections of both large load customers and new generation resources—impeding utilities from fulfilling their core duty to serve customers and undercutting our ability to win the AI race and expand American manufacturing.[165] We provide specific examples of these harms below, as well as Mr. Schnitzer's analysis that demonstrates the massive economic costs from lost opportunity due to delayed transmission.[166]

Second, these delays saddle customers with higher costs, depriving them of billions of dollars in cost-reducing benefits ranging from congestion relief to access to least-cost generation. Proponents of solicitation claim they will reduce costs. But even putting aside that no study evaluating actual costs has found savings, there certainly is no evidence of those hypothetical savings in MISO and SPP—much less savings that could exceed the demonstrated costs of delay in those regions.

A. MISO's and SPP's Solicitation Requirements Frustrate the Ability to Serve Large Load Customers, Imposing Billions of Dollars Of Lost Opportunity for the Economy.

As Mr. Schnitzer explains, transmission is "the long pole in the tent" that enables RTOs "to accept new large load interconnections—which can draw 1,000 MW from the grid at a single location—without creating reliability issues," and to interconnect generation resources and make

[165] Bernard L. McNamee, *The Value of Regulated Electric Utilities: Reliability, Affordability, and Accountability* at 2 (2023), https://assets.realclear.com/files/2023/04/2154_the_value_of_regulated_electric_utilities-_reliability_affordability_and_accountability.pdf.

[166] Schnitzer at 22-28.

them deliverable.[167] Transmission not only facilitates interconnecting specific customers but also supports resource adequacy, by enabling new supplies to enter service and making existing supplies deliverable to customers.[168] Solicitation delays, meanwhile, harm both.

i. Solicitation Processes Delay Projects Required for Load Interconnections.

This is a straightforward case for action under Section 206. The Commission in Order No. 1000 recognized that it need not, and should not, wait for systemic problems to arise before it acts.[169] And here, a demonstrated systemic problem already exists in MISO and SPP, where all regional transmission projects subject to solicitation must endure lengthy delays. Those delays in turn hinder interconnection of new loads and the generation to serve them.

It should come as no surprise that if transmission is delayed, it hinders the interconnection of load and generation alike. Transmission limitations can directly impede interconnections, slowing the projects that would add capacity and eliminate constraints. Moreover, once a transmission project is approved, it is integrated into MISO's and SPP's base cases, meaning the RTO can make completion a prerequisite for a generator or load to interconnect.[170] And because interconnections can require completion of numerous transmission projects, both generator and load interconnection timelines are highly exposed to transmission development delays.

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[167] Schnitzer at 8-9.

[168] *See, e.g.*, Dep't of Energy, *The Future of Resource Adequacy* at 3, 19 (Apr. 2024), www.energy.gov/sites/default/files/2024-04/2024%20The%20Future%20of%20Resource%20Adequacy%20Report.pdf ("Expanding transmission capacity supports resource adequacy through enabling new generation and power transfer within and between regions. . . . Transmission capacity can provide substantial resource adequacy benefits, as new lines enable more flexible generation sharing and reduce the need for new generation.").

[169] *See* Order No. 1000, 136 FERC ¶ 61,051 at P 50 (2011).

[170] Schnitzer at 17-18; *e.g.*, *N.D. Pub. Serv. Comm'n v. Midcontinent Indep. Sys. Op., Inc.*, Docket No. EL25-109-000, Answer of MISO at 5 (filed Sept. 9, 2025), https://elibrary.ferc.gov/eLibrary/filedownload?fileid=D467926A-4CAE-C0FE-A39B-99300D900000 (explaining that "critical reliability, load interconnection, and generation processes . . . are dependent on the development of Tranche 2.1" transmission projects).

One consequence is that transmission development delays can impede urgent efforts to maintain resource adequacy. For example, SPP's 2022 and 2023 generator interconnection cycles include approximately 8 GW of new generation for which interconnection is conditioned on the completion of four transmission projects subject to solicitation.[171] But because of delays in the solicitation process, one of those projects—Beckham-Potter County—waited over a year after approval to receive a Notification to Construct, and is now not expected to be completed until 2029.[172] Even generators selected in expedited interconnection processes cannot escape solicitation delays. Of the 10 generators selected in the first round of MISO's Expedited Resource Addition Study ("ERAS") process, four are conditioned on the completion of at least one transmission project subject to solicitation.[173]

These problems are as real as they come. Coalition members and others continue to experience the unjust and unreasonable effects of solicitation processes, obstructing the ability of utilities to discharge their core duty to serve customers and of customers to interconnect. The following transmission projects in MISO and SPP are specific examples of how solicitation imposes lengthy delays on the interconnection of new large loads.[174] These projects also illustrate how, in this era of rising load growth and fast-moving customer needs, transmission projects often become more time-sensitive after their original approval, such that even projects not deemed necessary to meet immediate needs when originally approved can quickly become urgently needed

[171] Schnitzer at 18-19.

[172] *Id.* at 19; SPP, Notification to Construct, SPP-NTC-220980 (Dec. 17, 2025), www.spp.org/documents/75542/ntc%20220980%20tsok.pdf.

[173] Schnitzer at 19.

[174] *See, e.g.*, Order No. 1000, 136 FERC ¶ 61,051 at P 50 (rejecting "the characterization of factual examples presented to demonstrate the need for reform as anecdotal evidence").

to maintain reliable service.[175] And such examples will only proliferate over time, as the system becomes increasingly constrained.[176]

Crawfish Draw - Woodward & Potter - Woodward 765 kV Projects. SPP has identified two 765 kV connecting transmission projects that will allow service for more than 14 GW in large load requests in southeast New Mexico and northwest Texas: the Crawfish Draw – Woodward 765 kV project and the Potter – Woodward 765 kV project.[177] Both 765 kV transmission projects, however, are expected to undergo solicitation, despite being essential "links in the chain" for other already approved and expedited transmission segments in the region.[178] Because of the delays associated with solicitation, oil and gas facilities in New Mexico and data centers in Texas will need to wait at least 16 months longer to receive service than if these 765 kV projects had been directly assigned.[179]

Minnesota data center customer. A data center customer in Minnesota requested Northern States Power ("NSPM") to serve an additional 1,500 MW on top of an existing request, as discussed in the direct testimony of Jason Standing on behalf of the Northern States Power Companies.[180] Although NSPM is expected to be able to serve the data center's original request with existing infrastructure, the next phase will likely rely on the completion of multiple projects approved by MISO in December 2024 as part of LRTP Tranche 2.1.[181] Because Minnesota maintains a state ROFR, NSPM was able to begin developing LRTP Tranche 2.1 projects in

[175] For additional examples of the solicitation process's impediments to transmission development nationwide, see Ex. M, DATA, *Recent Experience with Competitive Transmission Projects and Solicitations* (Feb. 2025).

[176] Schnitzer at 3 (concluding impact from delays "is likely to grow, not abate").

[177] Cooley (SPS) at 5-6.

[178] *Id.* at 3, 9.

[179] *Id.* at 4.

[180] *See* Standing (NSP) at 3, 10-11.

[181] *Id.* at 10-11

Minnesota immediately and these projects are expected to reach commercial operation sooner.[182] Had they been subject to solicitation, these projects would have been delayed by about 20 months.[183] But NSPM's ability to energize the lines to deliver power to the customer is dependent on the completion of projects in states that do not have a ROFR—Iowa and Wisconsin.[184] As a result, delays from the solicitation process for the Iowa and Wisconsin projects—expected to be about 20 months—could delay NSPM's ability to interconnect the data center.[185]

As this example highlights, earlier-built transmission segments therefore can become a bridge to nowhere until segments delayed by solicitation are complete.[186] "The practical effect," Mr. Standing explains, "is akin to building a high-speed rail corridor and then leaving out a segment in the middle, requiring passengers to get off and switch to a horse and buggy."[187]

MARS Project. The MARS project—approved in December 2024 as part of LRTP Tranche 2.1—includes nine components in Iowa, four of which required solicitation.[188] Completing the MARS project will provide significant transmission capacity to serve a prospective data center project at a nearby site-certified industrial park. But the MARS project has faced significant delays (over 22 months) entirely from the bidding process.[189] The RFP for this project did not issue until November 2025—nearly a year after Board approval—and proposals are not due until May 2026.[190] MISO has stated that it will select the winning developer "no later than

[182] *Id.* at 11.
[183] *Id.* at 3, 9, 12.
[184] *Id.* at 12.
[185] Standing (NSP) at 14.
[186] *Id.* at 15
[187] *Id*.
[188] Terry (ITC) at 5.
[189] *Id.* at 5-6.
[190] *See* MISO, *RFP Part 1: Project Information – Marshalltown – Lehigh – Sub T – Montezuma – East Adair 345/765 kV Competitive Transmission Project* at 5 (Nov. 25, 2025) ("MISO, *RFP Part 1*"), https://www.misoenergy.org/planning/competitive-transmission-

October 23, 2026"[191]—close to *two years* after Board approval. Without the solicitation process, the incumbent transmission owner could have started developing the project in December 2024, routed the transmission line to serve the industrial park, and completed construction 22 months earlier.[192] This needless delay from the solicitation process jeopardizes the data center project.

Wisconsin Southeast Project (WISE). Project WISE was approved in December 2024 by MISO's Board as part of LRTP Tranche 2.1.[193] ATC determined that it could leverage three substations included in Project WISE to serve a large load interconnection request in Port Washington, Wisconsin (received October 2024), requesting service by the end of 2027.[194] Had MISO directly assigned the substations to ATC, ATC could have commenced development upon the MISO Board's approval in December 2024.[195] Instead, the project underwent solicitation and was assigned to a nonincumbent developer—one with vanishingly little experience and not even authorized to operate in Wisconsin. Ultimately in March 2026 portions had to be re-assigned to ATC anyway, after MISO conducted a Variance Analysis (at ATC's request) and determined that the nonincumbent could not meet the December 2027 in-service date for certain facilities.[196] While this outcome enables ATC to proceed with construction and meet the customer's required in-service date, it has come at a significant cost. The delay and uncertainty experienced between December 2024 and March 2026 were substantial and completely unnecessary.

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administration/#nt=%2Fctadoctype%3ACurrent%20Projects%2Fctaprojectname%3AMTEP24%20MARS%20(Marshalltown%20-%20Lehigh%20-%20Sub%20T%20-%20Montezuma%20-%20East%20Adair)&t=10&p=0&s=Updated&sd=desc; Terry (ITC) at 6.

[191] MISO, *RFP Part 1* at 5; Terry (ITC) at 6.

[192] Terry (ITC) at 6.

[193] McKee (ATC) at 5, 11.

[194] *Id.* at 3-4, 7.

[195] *Id.* at 11.

[196] *Id.* at 9-10; MISO, *Notice of Variance Analysis Outcome – Reassignment* at 2 (Mar. 19, 2026), https://cdn.misoenergy.org/WISE%20Competitive%20Transmission%20Project%20Variance%20Analysis%20Outcome%20Public%20Notice746499.pdf.

This example underscores a broader point. While both RTOs already have tools to revisit an individual project in light of changed circumstances or to directly assign it to address a near-term reliability need, these tools do not resolve the systemic delays imposed by the solicitation process itself. The Variance Analysis process, which permits the transmission provider to revisit a project for cost overruns or (in MISO's case) delays, only applies *after* a nonincumbent developer has been awarded a project.[197] As a result, it does *nothing* to solve the delays caused *before* a given transmission project has been awarded at the denouement of a lengthy solicitation process. The WISE Project, for example, could have proceeded *15 months earlier* without the solicitation process. And such individual project review is no solution for a systemic flaw that impacts all projects subject to solicitation. Meanwhile, immediate-need reliability provisions only exempt from solicitation projects that are needed within three years to address identified reliability problems.[198] While this exemption is a critical means of ensuring near-term reliability, its narrow scope would not reach large regional projects subject to solicitation in MISO and SPP.

Big Cedar Industrial Center (Iowa). By contrast, here is an example of a project that has been able to avoid significant delays only because state ROFRs removed it from the solicitation process. In 2025, Google and Quality Technology Services ("QTS") announced plans to construct data centers at the Big Cedar Industrial Center near Cedar Rapids, Iowa, as discussed by Mr. Terry on behalf of ITC.[199] About 1,600 MW of interconnection service for these facilities requires completion of two projects—(i) the Morgan Valley – Twinkle 345 kV line and (ii) the Beverly –

[197] *See* MISO Business Practice Manual 20 § 8.1 (July 2025) (illustrating, in Figure 8.1-1, that competitive transmission facilities are subject to Variance Analysis after a Selected Developer Agreement is executed or filed).

[198] *See* MISO Tariff, Attach. FF, § VIII.A.3; SPP Tariff, Attach. Y, § I.3.

[199] Alliant Energy, *Google Announces Data Center Project at Big Cedar Industrial Center*, www.alliantenergy.com/news/news-center/2025/06/060425-googlebigcedarannouncement (last visited Mar. 20, 2026); Terry (ITC) at 8.

Sub 92 345 kV line—both approved in July 2022 as part of MISO's LRTP Tranche 1.[200] Because Iowa then employed a state ROFR, ITC Midwest was able to begin work immediately upon MISO's approval, and is now constructing the Morgan Valley – Twinkle line.[201] Had they been subject to solicitations, these projects would have been delayed by at least 18 months.[202]

This project also illustrates how speed to power delivers affordability benefits to consumers faster. As Mr. Terry explains, ITC Midwest projects that its network rate will decrease between 12-15 percent by 2030 due to new electricity load additions at the Big Cedar Industrial Center alone.[203] And looking across ITC Midwest's footprint as a whole, the projected decline in network rates is even greater: 20 percent by 2030.[204]

ii. Delayed Data Center Interconnections Impose Extraordinary Economic Costs.

The costs of delaying data center interconnections are massive, and underscore that MISO and SPP's solicitation processes are unjust and unreasonable. Mr. Schnitzer conducted a conservative analysis to establish a low-end annual estimate of the cost of delays to data center deployment.[205] Broadly, as Mr. Schnitzer explains, AI developers have demonstrated a "willingness to pay" for scarce available supplies well above the consumer cost of electricity.[206] Consequently, Mr. Schnitzer estimates that the annual societal welfare loss of delay is very large—$394 million to $749 million per 1,000 MW.

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[200] Terry (ITC) at 7.

[201] *Id.* at 8; Robert Maharry, *$221 Million ITC Transmission Line Moving Forward Between Marshall and Linn Counties*, Tama-Toledo News Chron. (Dec. 12, 2025), https://www.tamatoledonews.com/news/local-news/2025/12/12/221-million-itc-transmission-line-moving-forward-between-marshall-and-linn-counties/.

[202] Terry (ITC) at 8.

[203] *Id.*

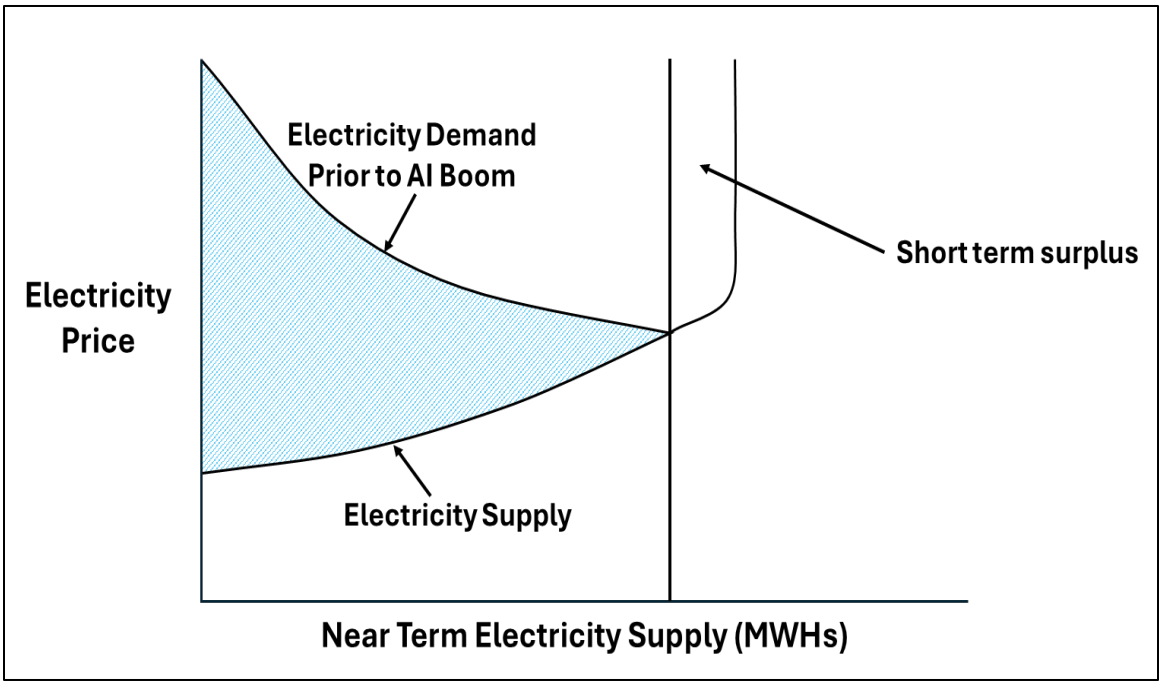
[204] *Id.*

[205] Schnitzer at 28.

[206] *Id.* at 22, 24.

As Mr. Schnitzer explains, before the AI boom, the system had excess capacity, with the result that the supply and demand curves met with capacity to spare.[207]

Fig. 7: Before the AI Boom, The System Had Capacity to Spare[208]



The AI boom, however, has introduced new data center demand with a very high willingness to pay for electricity: Mr. Schnitzer estimates a willingness-to-pay range between $150 and $175 per megawatt-hour.[209] Mr. Russo and Dr. Cohen corroborate this estimate, concluding that the willingness to pay could even exceed $200 per megawatt-hour.[210] This demand exhausts the excess capacity, results in unmet demand, and squanders the social surplus that meeting this demand would yield:

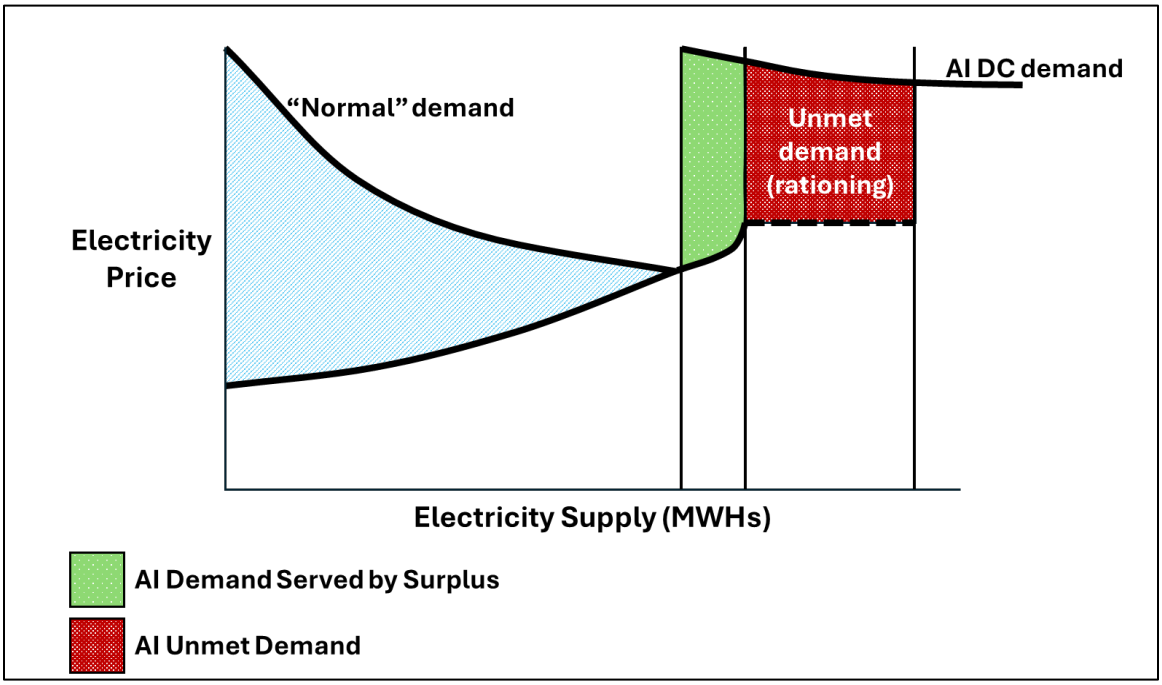
[207] *Id.* at 25-26.

[208] *Id.* at 21 fig.4.

[209] Schnitzer at 26.

[210] Russo & Cohen at 16 (calculating willingness to pay due to the very high returns on equity for data center developers ($1.2 million) compared to the cost of power necessary ($513,000) per each MW of capacity constructed).

Fig. 8: The Current Process Creates Unmet Demand That Imposes Enormous Costs Via Squandered Social Surplus[211]

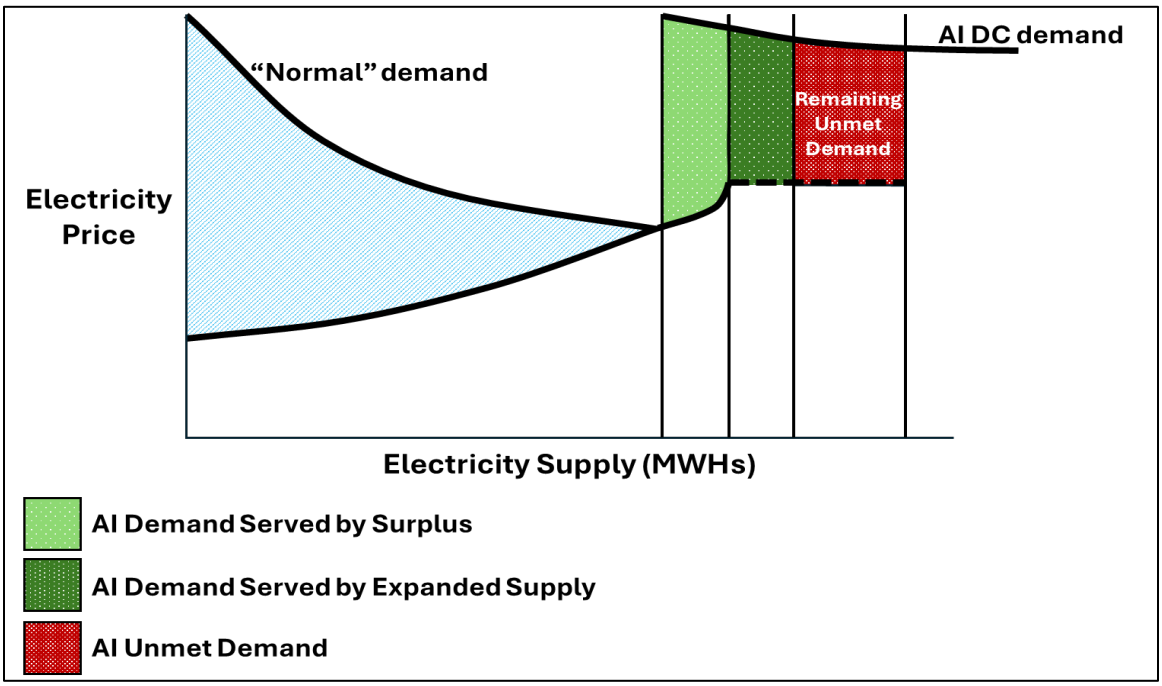


As Mr. Schnitzer explains, much of this rationing and wasted surplus is avoidable. In particular, without the delays created by solicitations, much of this additional demand could be met—capturing the additional surplus it would yield.[212]

[211] Schnitzer at 22 fig.5.

[212] *Id.*

Fig. 9: Eliminating Unnecessary Solicitation-Induced Delays Yields Enormous Benefits[213]



To calculate the societal welfare loss due to delay, Mr. Schnitzer reviewed three components: (1) the willingness to pay for electricity—which is quite high, $150-$175 per MWh; (2) the incremental cost of supply—approximately $80-$100 per MWh; and (3) the amount of unserved demand due to the unavailability of supply.[214] Based on these figures, Mr. Schnitzer calculated that the societal welfare loss due to delay is very large, $394 million to $749 million per 1,000 MW of demand per year.[215]

This calculation is conservative.[216] It does not attempt to measure the harder-to-quantify—but no less real—first-mover benefits that the United States will gain from developing the most advanced AI models that will determine economic leadership over the next decade, or the costs the

[213] *Id.* at 23 fig.6.
[214] *Id.* at 25-28.
[215] *Id.*
[216] *Id.* at 26.

United States will suffer if those models are instead developed elsewhere, as powerfully explained in Mr. Ball's declaration.[217] Nor does this quantification attempt to capture the national security–specific benefits and costs, including offensive and defensive cybersecurity and military applications—benefits and costs that, again, are very real, as described by Mr. Ball and by Mr. Russo and Dr. Cohen.[218] So in reality, the true societal consequences of continuing to accept a 16-20 month delay in essential transmission projects are vastly higher than our experts calculate—and risk endangering the speed-to-power goal and America's ability to meet the national interest priority of achieving global dominance in AI.[219] Mr. Ball warns that delay "in building transmission infrastructure does not merely shift the timeline; it fundamentally degrades U.S. competitiveness during the period most likely to prove decisive to" the AI race.[220]

B. MISO's And SPP's Solicitation Delays Raise Costs For Electric Customers Across Both Regions.

Delays caused by solicitation in MISO and SPP also unjustly and unreasonably deprive customers of the benefits of new transmission, including congestion savings, lower production costs, reduced generation need, enhanced reliability and resilience, and more—without offsetting benefits.[221] New transmission can unlock access to both existing and new generation resources

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[217] *Id.* at 28; *see also* Ball at 14 (discussing first-mover advantages for AI); Russo & Cohen at 17-18 (same).

[218] Ball at 13, 18-25; Russo & Cohen at 20.

[219] *See, e.g.*, AI Action Plan at 1 ("The United States is in a race to achieve global dominance in artificial intelligence (AI). . . . Winning the AI race will usher in a new golden age of human flourishing, economic competitiveness, and national security for the American people.").

[220] Ball at 5.

[221] *See, e.g.*, 2025 ITP Assessment Report at 20 ("Transmission unlocks access to the cheapest energy across our 14-state footprint and ensures reliability as we navigate unprecedented growth of energy demand. Every dollar we spend on transmission saves customers multiple dollars by reducing congestion, mitigating peak energy costs, and delivering the best energy solution across our footprint at the moment it is needed."); *id.* at 25 ("The recommended transmission investment would keep energy costs affordable, ensure reliability, and unlock economic growth across the SPP region." (emphasis omitted)); *see also* U.S. Dep't of Energy, *National Transmission Planning Study: Executive Summary* at 2 (2024), https://www.energy.gov/sites/default/files/2024-10/NationalTransmissionPlanningStudy-ExecutiveSummary.pdf (finding that under the "lowest-cost U.S. electricity system . . . the total transmission system of the contiguous United States

that may be isolated because of transmission congestion. But delaying new transmission means customers will be denied timely access to electricity from the lowest-cost resources and deprived of the ability to more efficiently use available generation resources.[222] And when solicitations delay these regional transmission projects, benefits are not merely delayed—some of those benefits are destroyed entirely.[223] As explained by Mr. Russo and Dr. Cohen, "this is because delay eliminates the time value of these benefits, which cannot be recovered."[224]

Recent evidence shows that these harms are huge: For every $1 billion of large-scale transmission investment that is delayed, consumers suffer approximately $150 million to $370 million in lost net benefits for each year of delay.[225] Based on Mr. Schnitzer's finding that solicitations impose about 16–20 months of delay, solicitations could thus impose roughly $225–$555 million in costs for every billion invested.[226] And these consumer costs are particularly harmful in MISO and SPP, as Figure 11 illustrates.

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expands to 2.1 to 2.6 times the size of the 2020 system by 2050 and interregional transmission grows 1.9 to 3.5 times").

[222] Schnitzer at 29-30.

[223] Russo & Cohen at 24.

[224] *Id.*

[225] Grid Strategies, Delaying Transmission at 8; *accord* Johannes Pfeifenberger et al., *Transmission Planning for the 21 Century: Proven Practices That Increase Value and Reduce Costs*, Brattle Grp. & Grid Strategies at 10 (Oct. 2021), https://www.brattle.com/wp-content/uploads/2021/10/Transmission-Planning-for-the-21st-Century-Proven-Practices-that-Increase-Value-and-Reduce-Costs.pdf ("Brattle-Grid Strategies Report") ("[W]ell-planned transmission investments can have a significant impact on reducing overall costs of delivering reliable electricity. As generation costs continue to fall and transmission needs to provide resilience, reliability, and system efficiency rises, transmission costs may rise as a percentage of total electricity system costs, but system-wide total costs will be lower than they would be with less transmission investment.").

[226] Schnitzer at 13 (calculating an average delay of approximately 1.3 to 1.7 years).

Fig. 10: One Year of Delay in Large-Scale Transmission Destroys $150–$370 Million in Benefits To Customers, Raising Costs Equivalently[227]

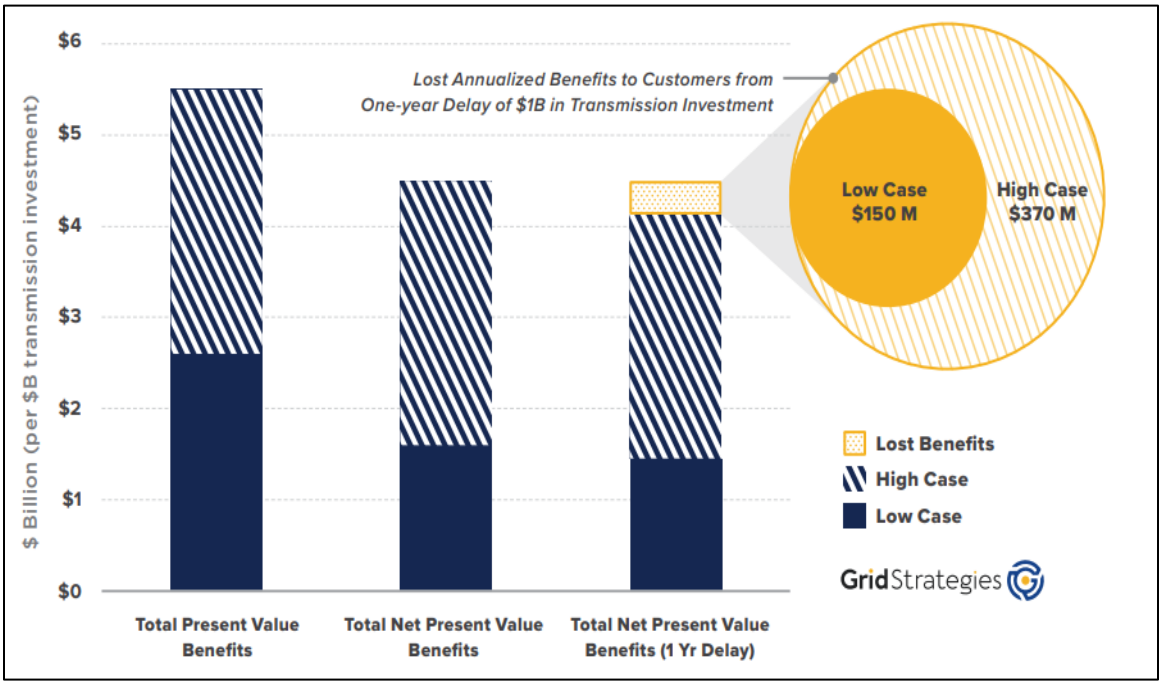

Fig. 11: Summary of Costs of Delay By Region and Planning Portfolio[228]

Region	Portfolio	Up-Front Cost	Total Benefits	Estimated Customer Cost per 1-Yr. Delay
MISO	MVP	$6.5 billion	$12 billion	**$1.4 billion**
MISO	LRTP Tranche 1	$10.3 billion	$27 billion	**$1.8 billion**
MISO	LRTP Tranche 2.1	$21.9 billion	$44 billion	**$1.5 billion**
SPP	RCAR III	$7.3 billion	$42 billion	**$2.9 billion**
SPP	2023 ITP	$1.1 billion	$2.6 billion	**$123 million**
SPP	2024 ITP	$7.7 billion	$88.7 billion	**$7.7 billion**

[227] Ex. O, Grid Strategies, *Delaying Transmission* at ii fig.ES-1.

[228] Adapted from Ex. O, Grid Strategies, *Delaying Transmission*.

Delays also raise direct costs—and the magnitude is similarly huge. When projects start later, inputs get more expensive.[229] Mr. Russo explains that delaying transmission construction may lead to customers paying more (in real terms) for construction expenses in the future than they would without such delay.[230] Over the last five years, the compound annual growth rate for transmission construction costs is nearly double the rate of growth in the Consumer Price Index.[231] EEI has likewise noted that average transmission construction costs have increased 42 percent over the last five years.[232] As Mr. Russo points out, the growth rate of costs over the last several years in conjunction with unprecedented demand growth is a strong indication that speeding up the building of transmission will reduce the impact on customers from future increases in the cost of materials.[233] Another recent study has estimated that each year of delay would increase project costs by at least 20 percent.[234] A 16–20 month delay would therefore increase the costs of a $1 billion project by almost a third.

These delays have downstream consequences too. A study estimates that each $1 billion in delayed transmission investment defers an estimated 11,000 to 25,000 direct, indirect, and induced job-years.[235] Transmission also drives exponential economic growth and supports new and existing industries, by both facilitating new generation resources and reducing electricity costs,

[229] *See generally Sacramento Mun. Util. Dist.*, 616 F.3d at 531 (finding that under D.C. Circuit precedent, "it was perfectly legitimate for the Commission to base its findings . . . on basic economic theory, given that it explained and applied the relevant economic principles in a reasonable manner").

[230] Russo & Cohen at 25-26.

[231] *Id.* at 25.

[232] Edison Electric Inst., *Electric Industry Supply Chain Cost Trends* (Nov. 2025), filed in *Northern States Power Co.*, Case PU-24-376 (N.D. Pub. Serv. Comm'n Jan. 16, 2026), https://www.psc.nd.gov/webdocs/case/24-0376/103-010.pdf.

[233] Russo & Cohen at 25-26.

[234] Ex. O, Grid Strategies, *Delaying Transmission* at 11.

[235] *Id.*

and advances the nation's global economic status by reinforcing domestic manufacturing and supply chains[236]—benefits not captured in the delay calculations discussed above.[237]

Meanwhile, MISO has reported that just running these solicitation processes costs more than $1 million[238]—which does not even take into account the wasted costs incurred by every developer that participates but does not win—while other RTOs have also encountered significant administrative burdens, including "significant" RTO/ISO staff time, "which is already in short supply."[239] And these direct costs represent only a tiny fraction of the harms caused by solicitations in MISO and SPP. For example, Mr. Terry explains how the solicitation process can hinder flexibility when planning transmission routes, leading to far-from-optimal network design and creating unnecessary costs to interconnect customers.[240]

For these reasons, too, solicitation-induced delays are unjust and unreasonable: They directly—and adversely—affect jurisdictional rates for wholesale transmission and generation, and deny customers from timely accruing the benefits of regional transmission. Moreover, the delay costs just described show that limiting solicitations, as this Complaint seeks, will not come at the expense of customers or affordability. Recent announcements to protect consumers from

[236] *Id.* at 10.

[237] Speeding the development of transmission will also fuel economic growth in the form of high quality, well-paid jobs for skilled workers, often union members. *See generally* Letter of Ameren Transmission, et al., Docket No. RM21-17 (filed Dec. 7, 2023) (noting that speeding transmission development, among other things, will "help grow the economy, keep people safe during extreme weather, and hold electricity bills down").

[238] *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection*, Docket No. RM21-17, Initial Comments of The MISO Transmission Owners at 55 (filed Aug. 17, 2022).

[239] Russo & Cohen at 26.

[240] Terry (ITC) at 6-7.

the costs of data centers, including those in the *Ratepayer Protection Pledge*, only underscore the need to remove roadblocks that are delaying the building of needed transmission facilities.[241]

C. No Countervailing Benefits Justify Retaining Solicitations In MISO and SPP.

The Commission in Order No. 1000 relied heavily on the hope that solicitations would identify better projects.[242] But that rationale, whatever its force elsewhere, does not even apply in MISO and SPP, because these RTOs first identify projects and then use solicitations to decide who builds them.[243] The Commission in 2011 also hoped that solicitations would reduce costs.[244] But 15 years later, those early hopes also cannot justify persisting with solicitations for regional transmission projects in MISO and SPP. There is no reliable evidence that solicitations have achieved material cost savings—not in general, and certainly not in MISO and SPP. Those claimed benefits, moreover, in all events do not outweigh the demonstrated costs of delay, established via the MISO- and SPP-specific evidence in this proceeding.

i. Claimed Savings from Solicitation Are Unsupported by the Evidence.

Solicitation advocates typically rely on a 2019 Brattle report that projected that nonincumbent developers could potentially save 20-30 percent over incumbents.[245] But when that study was prepared, very few solicited transmission projects had been completed, meaning that its

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[241] *See, e.g.*, The White House, *Ratepayer Protection Pledge* (Mar. 2026), www.whitehouse.gov/articles/2026/03/ratepayer-protection-pledge/ (noting purpose of Ratepayer Protection Pledge "to protect American consumers from price hikes due to data center energy and infrastructure requirements" and "lower electricity costs for consumers in the long term").

[242] Order No. 1000, 136 FERC ¶ 61,051 at PP 257, 284.

[243] *See supra* Background V (discussing projects entering solicitation process after MISO Board and SPP Board approval (citing SPP Tariff Attach. Y § III.2.e.i and MISO Tariff Attach. FF § VIII.C).

[244] *See, e.g.*, Order No. 1000, 136 FERC ¶ 61,051 at PP 226, 284; *id.* at P 46 (predicting that Order No. 1000's requirements would support "more efficient and cost-effective investment" decisions).

[245] Johannes P. Pfeifenberger, Judy Chang, et al., *Cost Savings Offered by Competition in Electric Transmission*, Brattle Grp. at 1 (Apr. 2019), https://www.brattle.com/wp-content/uploads/2021/05/16726_cost_savings_offered_by_competition_in_electric_transmission.pdf ("2019 Brattle Report").

authors did not have the benefit of *final* project cost data.[246] Indeed, the authors themselves acknowledged that the study addressed only "*potential* cost savings"[247] as to a set of competitive projects that had not yet been built.[248] And a subsequent Concentric report confirmed that final costs were unknown for most of the 15 projects the Brattle Report used to calculate its cost savings estimates.[249] Yet despite these limits, pro-solicitation advocates have repeatedly presented Brattle's findings on projected savings as if those savings have been achieved.

But they have not been achieved. Several subsequent studies have reassessed the Brattle Report using updated cost data and reached very different conclusions. First, final costs were substantially higher than the winning bid. When re-running Brattle's analysis using final cost data, "the calculated savings from . . . solicitations vanish."[250] Indeed, nonincumbents' final recoverable costs exceeded the winning bid by 59-66 percent on average, as shown in Figure 12.[251]

[246] Ex. N, DATA Whitepaper at 1.

[247] 2019 Brattle Report at 1 ("[W]e estimate that the *potential cost savings* from expanding competitive processes could range from approximately 20% to 30%.") (emphasis added).

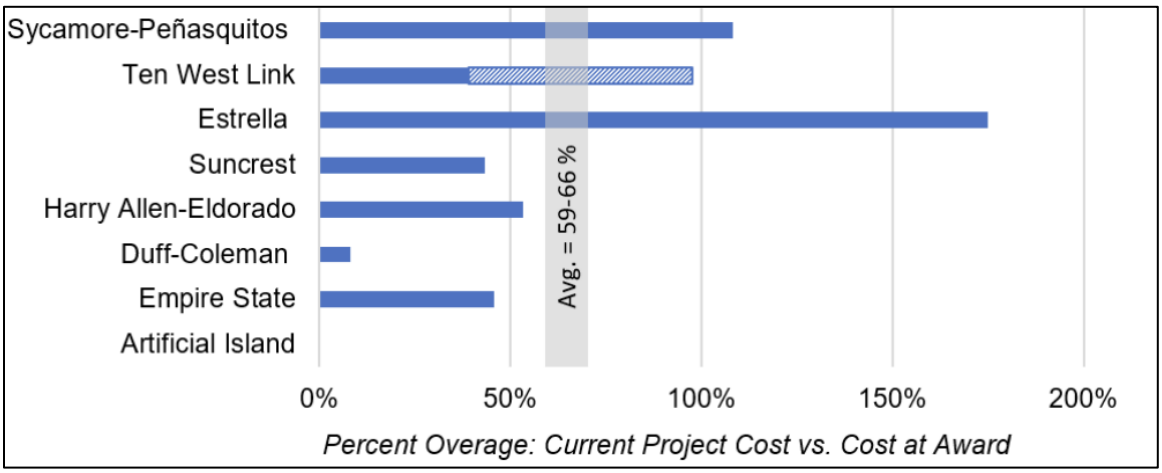
[248] *Id*. at 9 ("Since the competitively-developed projects are not yet constructed, we assume they will likely incur at least some level of cost escalations as they advance through the development and construction phases of the projects.").

[249] *See* Ex. L, Concentric 2019 at iv (June 2019); *see id*. at 14 ("[T]he final costs of the majority of the projects selected in these solicitations [included in the Brattle Report] are unknown and unknowable at this time, and any resulting savings are also unknown.").

[250] Ex. N, DATA Whitepaper at 6.

[251] *Id.*at 1, 9-10.

Fig. 12: Solicitations Have Not Achieved the Cost Savings Promised in Bids[252]

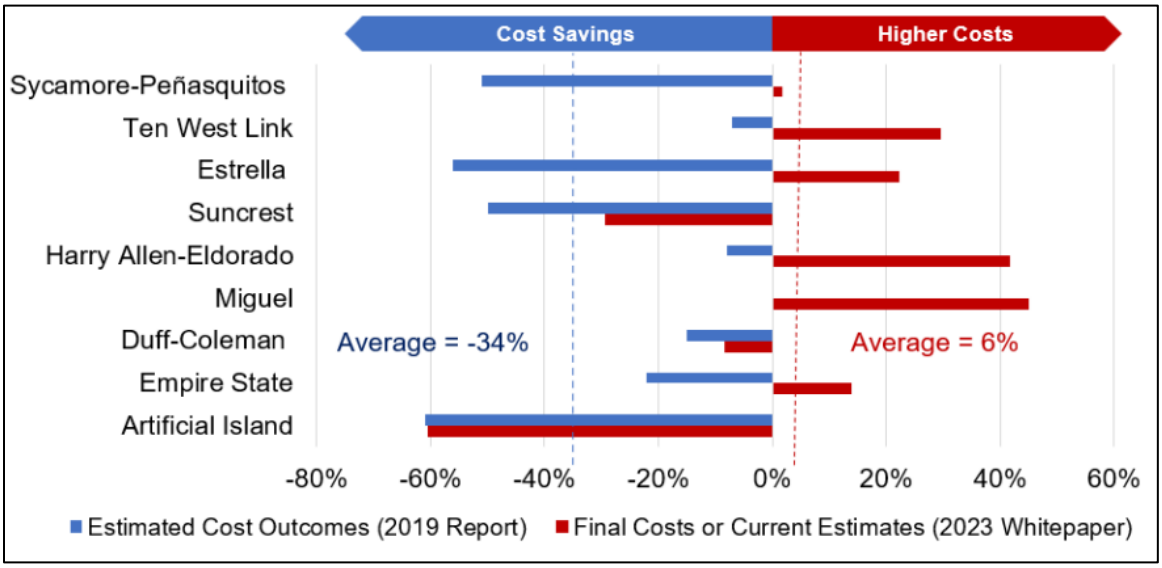


Second, initial projections were not consistent with final costs. The Brattle Report compared winning bids with a "reference cost." That figure is not a true "cost" but an initial cost estimate by the RTO (for projects in MISO, SPP, and CAISO) or the lowest incumbent bid (for projects in PJM and NYISO).[253] As it turns out, the actual costs for the nonincumbent project exceed these reference costs by 6 percent, as shown in Figure 13 below. Thus, updating Brattle's analysis with actual costs shows no cost savings on average from selecting nonincumbent projects.

[252] *Id.* at 9 fig.4.

[253] 2019 Brattle Report at 28-29; Ex. N, DATA Whitepaper at 4; Ex. L, 2019 Concentric Report at 18-19.

Fig. 13: Updated Cost Figures Have Shown That Solicitations Have Not Achieved the Cost Savings Projected in the 2019 Brattle Report[254]



Third, an outlier project distorts Brattle's comparison of reference costs with winning bids. Specifically, Brattle used a $692 million reference cost for the Artificial Island project in PJM, which represented the lowest cost proposal from an incumbent (PSEG).[255] That reference figure was 61 percent higher than the solution chosen by PJM, which, under Brattle's methodology, suggests high cost savings from choosing the nonincumbent project.[256] But appearances can be deceiving: that PSEG bid was submitted *before* the project scope changed significantly, meaning that there was a subsequent round of bidding where the bids were much lower.[257] To achieve an apples-to-apples comparison, the appropriate figure to use is the lowest incumbent bid *after* the change in scope—which is a much lower $285 million bid, resulting in alleged "savings," under Brattle's chosen methodology, of 4 percent, not 61 percent.[258] And correcting this outlier means

[254] Ex. N, DATA Whitepaper at 1 fig.1.

[255] 2019 Brattle Report at 32, Figure 13; *see also* Russo & Cohen at 24 n.17 (discussing Artificial Island outlier).

[256] 2019 Brattle Report at 29, 32.

[257] Ex. N, DATA Whitepaper at 6-7.

[258] *Id.* at 7.

that the actual costs for nonincumbent projects exceed Brattle's reference costs by 12 percent, not 6 percent.[259]

In addition, data problems abound with the Brattle Report's claims of cost overruns unique to incumbent projects.[260] Concentric found that Brattle evaluated only a limited sample of transmission projects not representative of the full portfolio of incumbent projects and used early estimates developed before a project's scope was finalized.[261] When Concentric corrected this analysis with a more complete set of projects and by comparing initial cost estimates by incumbents with final or updated project cost estimates (using publicly available cost tracking databases), it found "fairly modest changes" in the cost estimates for these incumbent projects—in the range of -2.9 to +7.0 percent.[262]

Fourth, there are multiple methodological problems with Brattle's use of reference costs.[263] As explained above, these reference costs were the RTO's initial cost estimate (for projects in MISO, SPP, and CAISO) or the lowest incumbent bid (for projects in PJM and NYISO).[264] Initial cost estimates, particularly those created at the earliest stage of a project, can vastly undercount a project's final costs. That is because cost estimates typically will be revised upward as a project moves through the development process and project costs become concrete.[265] As one study explained, early planning-level estimates prepared by an RTO/ISO are developed "at a high level with general rather than specific estimates about the costs of various project components."[266]

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[259] *Id.*

[260] See 2019 Brattle Report at 40-41 (claiming historical average cost escalations of 18 to 70 percent).

[261] Ex. L, Concentric 2019 at 3-4.

[262] *Id.* at 1, 3-4.

[263] *Id.* at 18-24.

[264] 2019 Brattle Report at 28-29; Ex. N, DATA Whitepaper at 4; Ex. L, Concentric Report 2019 at 18-19.

[265] Ex. L, 2019 Concentric Report at 19.

[266] *Id*.

Moreover, comparing the winning nonincumbent bid with RTO initial estimates does not provide a meaningful yardstick to show cost savings or benefits from competition—for the simple reason that nonincumbents are competing with other bidders, not with the RTO's estimates.[267]

As for comparing the winning bid with the lowest incumbent bid (in PJM and NYISO), this approach is unworkable. Those RTOs do not solicit proposals for specific projects. Instead they identify needs, to which bidders then offer solutions. As a result, competing bids may be for a vastly different project scope and thus do not lend themselves to apples-to-apples comparisons.[268] Along these lines, the Commission should be wary of any head-to-head comparisons of competitive projects versus those that are directly assigned—considering how few projects have been built in MISO and SPP from solicitations (less than a handful), and considering the inherent differences in transmission projects that make comparisons misleading.

Fifth, another key premise for the claim of purported cost savings from solicitations—so-called "cost caps" in nonincumbent developers' bids—also collapses in the face of final project costs.[269] Mr. Russo and Dr. Cohen recount several public studies demonstrating that competitive projects have "routinely" breached their cost caps.[270] One of these studies found that final recoverable project costs for the studied projects were 57-67 percent higher than presented cost cap levels.[271] In practice, exceptions to these caps have rendered them all but meaningless in constraining the costs of a project—meaning, once again, that solicitations have not resulted in real cost savings for customers. Bids include all manner of escalators for inflation, equipment and commodity costs, third-party costs, unforeseen costs, force majeure, and other causes. As a result,

[267] *Id*.
[268] *Id.* at 20-22.
[269] *See*, Ex. J., Concentric 2024 at 41-42.
[270] Russo & Cohen at 22.
[271] Ex. N, DATA Whitepaper at 10.

nonincumbent developers are able to recover costs well above any purported cost containment mechanism in their initial bids. As one study noted, "exceptions to cost caps have been used to pass through cost increases to customers, while allowing the bidder to claim a 'low' cost in order to win the project."[272] And transparency into these caps is often nonexistent.[273] Hence, as former Commissioner Christie explained, "those who think that competitive bidding is a 'magic bullet' that will substantially cut . . . costs" should "[t]hink again"—because a cost cap proposed by a competitive developer "applies until it doesn't."[274]

Sixth and finally, the projections in the 2019 Brattle Report even on their own terms largely were not about MISO or SPP.[275] It analyzed 16 projects where cost data was available. But nine came from CAISO, while just two came from MISO and one came from SPP.[276] And because the only SPP project included was cancelled, when later studies reassessed final cost data, they included just the two MISO projects.[277] So this data says *nothing at all* about SPP, and relatively little about MISO.

Meanwhile, even if (counterfactually) there were evidence of incremental cost savings associated with transmission solicitations (again, we are aware of no studies that credibly support this view), there is no evidence those savings exceed the costs to customers from delays in MISO and SPP—costs that we have quantified based on evidence of delay that, unlike the 2019 Brattle Report, is specific to MISO and SPP. To the contrary, "even under generous assumptions of

[272] Ex. K, Concentric Energy Advisors, *Competitive Transmission: Experience To-Date Shows Order No. 1000 Solicitations Fail To Show Benefits* at 34 (Aug. 2022), https://ceadvisors.com/wp-content/uploads/2024/10/Competitive-Transmission-Experience-To-Date-Shows-Order-No.-1000-Solicitations-Fail-to-Show-Benefits.pdf ("Concentric 2022"); see also Ex. J, Concentric 2024 at 2.

[273] *See* Ex. J, Concentric 2024 at 3

[274] *DCR Transmission LLC*, 184 FERC ¶ 61,199 at PP 3, 5 (2023) (Christie, Comm'r, concurring).

[275] Russo & Cohen at 24.

[276] 2019 Brattle Report at 26.

[277] *Id.* at 28 fig.10.

competitive benefits" positing a 20 percent savings from solicitation, Mr. Schnitzer concludes that "the social welfare losses associated with service delays overwhelm any competitive benefits" in MISO and SPP—and, indeed, do so by a ratio of somewhere between 2:1 and 11:1, depending on the assumptions.[278]

For these same reasons, there would be no benefit to half measures like shaving a few months off the process—a reform that would take significant time to implement and which would make only a marginal difference at best on a balance that is not close to begin with. Nor is there any reason to believe a rushed solicitation process would yield real benefits to consumers, considering that a lengthy process has not done so. MISO and SPP today must "stagger" RFPs *precisely because* they cannot run every RFP in parallel while trying to rigorously assess competing bids. All the more so, there is no prospect that the RTOs could also run all these RFPs *faster* without further undermining the integrity of the process.

ii. There Are Many Safeguards in Place to Protect Consumers from Excess Project Costs.

Adhering to delay-inducing solicitations is particularly unnecessary because other mechanisms already protect customers against excess costs. On the front end, and especially for projects currently subject to solicitation, each RTO's open and transparent planning process incorporates significant protections for consumers. For example, MVPs and MEPs in MISO, both of which are subject to solicitation, must satisfy rigorous benefit metrics and are subject to an extensive stakeholder review process.[279]

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[278] Schnitzer at 26-27. Order No. 1000's only discussion of delays focused on reevaluation of the regional transmission plan to consider alternative solutions under limited circumstances. *See, e.g.*, Order No. 1000, 136 FERC ¶ 61,051 at PP 263, 329. As described above, the narrow, project-specific solutions of the "Variance Analysis" process and Immediate Need Reliability projects do not address systematic and widespread delays caused by solicitation.

[279] *See* MISO Tariff, Attach. FF, §§ II.B, II.C.5.e.

Consumers also enjoy added protections in SPP and MISO by virtue of the significant role for state regulators. States participate through the Regional States Committee (in SPP) and the Organization of MISO States (in MISO). And that state participation happens through the entirety of the planning process. For example, MISO is required under its tariff to "seek guidance" from stakeholders—including states and local regulatory authorities—on "the development of future scenarios to be modeled and analyzed in long-term planning studies."[280] MISO also must seek feedback on a proposed MTEP from the Organization of MISO States Committee *before* submitting portfolio recommendations to the MISO Board.[281] States enjoy special status in this planning process relative to other stakeholders, carrying an independent right to offer input within MISO's MTEP. For instance, "with respect to the MTEP process, the OMS Committee may provide input" on MISO's "planning principles," "planning objectives," scope, modeling assumptions, cost-benefit analyses, or other "[c]oncerns about general or specific issues," from the "start of a planning cycle" and "as they arise during the planning year."[282] SPP similarly accords special respect to the Regional States Committee under its planning process, including giving that committee the responsibility to determine whether transmission upgrades for remote resources are included in the regional planning process and the role of transmission owners in proposing transmission upgrades in the planning process. And aside from the particular powers carved into each RTO's tariff for the states, the individual member states in these regions still retain their traditional authority over the siting and permitting of transmission projects.

On the back end, myriad protections guard against excessive costs in executing projects awarded to incumbents. That includes transmission formula rate transparency and customer

[280] MISO Tariff, Attach. FF § I.C.2.b; *see also id.* § I.C at items (i)–(x).
[281] MISO Tariff, Attach. FF § I.C.2.
[282] MISO Tariff, Attach. FF § I.B.

engagement obligations as dictated by protocols and the opportunity for prudence reviews before project costs can be recovered from ratepayers.[283] Prudence reviews, when initiated, generally entail an evaluation of whether the utility's expenditures and decisionmaking were reasonable at the time they were made, and place the burden on the utility to justify its choices.[284]

III. The Commission Should Fix a Replacement Rate That Prevents The Solicitation Process In MISO and SPP From Hindering the Interconnection of New Generation Resources and Large Load Customers.

The Federal Power Act confers broad discretion on the Commission in fixing the just and reasonable replacement rate.[285] The Act also grants the Commission "broad remedial power"[286] to perform "any and all acts" it deems "necessary or appropriate" to carry out the Act.[287] Below, we describe two potential replacement rate options—recognizing, of course, that the Commission retains discretion to consider alternative replacement rates.[288] Option 1 would direct MISO and SPP to conduct a project-specific inquiry aimed at identifying transmission projects that are necessary for the addition of new loads or generation, and whose delay would prevent this service. Option 2 would suspend solicitations for 5 years, minimizing any additional burdens on RTOs.

The Coalition does not intend the ordering of the options to reflect a preference for one over the other; we believe that both are just and reasonable and simply implicate different tradeoffs. Moreover, because MISO's and SPP's solicitation processes differ, the Commission could impose

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[283] S*ee, e.g.*, Ex. K, Concentric 2022 at 25-26; Ex. I, Concentric Energy Advisors, *Critical Review of "The Economic Impacts of Right of First Refusal (ROFR) Legislation*" at 9 (Jan. 2025), https://ceadvisors.com/wp-content/uploads/2025/01/Response-to-ROFR-Paper_FINAL.pdf (describing regulators' "significant control" over price levels and review of costs and allowed returns).

[284] See also Russo & Cohen at 28-30 (describing variance reviews in MISO and SPP).

[285] *See* 16 U.S.C. § 824e(a).

[286] *Verso Corp. v. FERC*, 898 F.3d 1, 11-12 (D.C. Cir. 2018).

[287] 16 U.S.C. § 825h.

[288] *See, e.g.*, *Indep. Mkt. Monitor for PJM v. PJM Interconnection, L.L.C.*, 176 FERC ¶ 61,137 at P 6 (2021).

different replacement rates in MISO and SPP, and need not necessarily impose remedies in both RTOs at the same time.

Option 1. The top priority in fixing a replacement rate should be preventing unnecessary delays for integrating new generation resources and new loads. To accomplish this, the Commission can direct that, before commencing a solicitation for projects that would otherwise be subject to solicitation, MISO and SPP should determine whether subjecting the project to solicitation would delay the availability of interconnection or transmission service to new generation or load. They should examine both *existing* service requests and *expected-to-arrive* generation and load (as described below)—all aimed at identifying, based on the best information reasonably available, whether a solicitation would risk delaying the service.

In particular, a transmission project would be subject to solicitation only if the RTO finds both of the following:

(i) Existing Service Requests

The transmission project has not already been identified, in any generator interconnection study, load study, delivery-point study, transmission service study, or other comparable study available to the RTO before issuance of the RFP, as a contingent transmission facility necessary to enable a specific new generation or load to take service. In SPP, this review should include studies conducted under Attachments AQ and AX and other relevant SPP study results. In MISO, this review should include relevant studies performed by the applicable Transmission Owner and corresponding MISO review through the MTEP or other relevant process.

(ii) Expected Generation and Load

The transmission project is not expected to delay service to generation or loads that are expected to arrive, if the project takes longer to begin construction as a result of a solicitation. In making this determination, the RTO should use information such as the RTOs' transmission

expansion planning inputs, load forecasts submitted to the RTOs pursuant to Tariff requirements, any RTO-identified reliability-based "need by" date,[289] or any attestations submitted to the RTOs by Load Serving Entities/Load Responsible Entities regarding additional expected loads. If generation or loads are expected to have requested or projected in-service dates earlier than the date on which the project would be placed in service if solicitation were held, the RTO would not hold a solicitation.

Hence, if running a solicitation would delay the additions of new loads or generation, as reflected in either existing service requests or in expected-to-arrive requests, the transmission project would be exempt from solicitation and immediately directly assigned to the appropriate transmission owning utility. This proposed remedy is appropriately tailored to address the harms identified in Section II because it would remove the solicitation bottleneck in MISO and SPP and expedite the completion of those regional transmission facilities that are needed to add load and generation to the system. This remedy is also administrable. It leverages information that each RTO already has and uses, and it should require only modest additional analysis beyond what the RTOs already conduct for other purposes. FERC can instruct MISO and SPP to complete their analysis before commencing a solicitation for any given project, so as not to delay any project's development or solicitation, as applicable.

Option 2. The Commission could also temporarily suspend the solicitation process for the most critical time period for the building of transmission infrastructure in order to meet today's surging demand and win the AI race. The Commission's significant discretion in setting a just and reasonable replacement rate extends to imposing temporary or interim solutions when warranted

[289] *See* SPP OATT Business Practice 7060, Notification to Construct and Project Cost Estimating Processes Effective § 4.2 (Jan. 2026) ("Project Information will include an Estimated Cost and a Project Schedule, which will include, at a minimum, the Need Date."); SPP ITP Manual, § 6.3 (Feb. 2026).

by the record. For example, the Commission has permitted the temporary amendment of PJM's mechanism for determining the marginal value of a transmission constraint (the Transmission Constraint Penalty Factor)—due to evidence that it resulted in high Locational Marginal Prices in a constrained zone without attracting generation to alleviate the constraint.[290] A temporary remedy similarly would be appropriate here, given that transmission approved over the next several years will determine the availability of transmission lines needed over the next 10–15 years—the critical period in the AI race.[291] The Commission has also permitted regions to depart from rulemaking requirements to explore potential improvements. Most notably, the Commission permitted regions like SPP to depart from the Order No. 2003 "first come, first served" interconnection process to experiment with cluster study reforms the Commission has now directed all transmission owners to apply under Order No. 2023.[292]

Under Option 2, the Commission would direct MISO and SPP to suspend the solicitation process for a five-year period from the date of this Complaint, covering the next five years of

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[290] *See PJM Interconnection, L.L.C.*, 179 FERC ¶ 61,161 at PP 3-5, 15, 23 (2022), *aff'd sub nom. Citadel FNGE Ltd. v. FERC*, 77 F.4th 842 (D.C. Cir. 2023).

[291] *E.g.*, Ball at 39 ("The window for infrastructure decisions that will determine 2030 capability is not the 2030s—it is now.") (citing Metaculus, *When will the first weakly general AI system be devised, tested, and publicly announced?*, https://www.metaculus.com/questions/3479/; Katja Grace et al., *2023 Expert Survey on Progress in AI*, AI Impacts (last updated Jan. 29, 2024)); *see also* Lakshmi Varanasi, *Here's How Far We Are from AGI, According to the People Developing It*, Business Insider (Apr. 20, 2025), https://www.businessinsider.com/agi-predictions-sam-altman-dario-amodei-geoffrey-hinton-demis-hassabis-2024-11 (reporting Demis Hassabis (Google DeepMind CEO) prediction of AGI "in three to five years"); Sam Altman, *Reflections* (Jan. 5, 2025), https://blog.samaltman.com/reflections ("We are now confident we know how to build AGI[.]" (OpenAI CEO)); Joe Hagan, *The Founder of Anthropic Says He Wants to Protect Humanity from AI. Just Don't Ask Him How*, Vanity Fair (Mar. 18, 2026), https://www.vanityfair.com/news/story/dario-amodei-anthropic-ai (reporting Dario Amodei (Anthropic CEO) prediction of AGI "by 2026 or 2027")).

[292] *Sw. Power Pool, Inc.*, 128 FERC ¶ 61,114 at PP 28, 32 (2009) (accepting SPP's proposal to move "from a serial study process to a clustering approach based on the geographic location of projects and the proposed site of interconnection"); *see also Improvements to Generator Interconnection Procedures and Agreements*, Order No. 2023, 184 FERC ¶ 61,054 at P 4 (2023) (ordering RTOs/ISOs and other utilities to "implement a first-ready, first-served cluster study process"), *order on reh'g*, Order No. 2023-A, 186 FERC ¶ 61,199 (2024).

Board-approved projects in the annual MTEP process in MISO and the annual ITP process in SPP through April 2031.[293] In MISO, this remedy would cover MTEP26 through MTEP30; in SPP, this remedy would cover the 2026 ITP through the 2030 ITP (as well as any projects from the 2025 ITP for which RFPs have not yet issued).

This proposed relief is appropriately tailored to the period when—according to the evidence in this Complaint—it is particularly clear that delays in transmission development are intolerable. The projected demand for electricity over the next ten years has increased remarkably—even as the United States lags far behind China on building transmission needed to meet the electricity demands of the future.[294] Mr. Ball, moreover, highlights 2028 through 2035 as the critical window during which (1) advanced AI is most likely to be developed, and (2) global AI standards and norms will be shaped by the nation that leads in AI infrastructure.[295] Selection and assignment over the next 5 years will determine the availability of those facilities over the next 10–15 years. Allowing transmission development to proceed without the delay of solicitation processes is critical, and should result in benefits to customers broadly as discussed in this Complaint.

This replacement rate maximizes administrability, avoiding any added burdens on RTOs. On this metric, Option 2 is superior to Option 1, which requires at least some additional work by RTOs (though we have crafted Option 1 to minimize that work). In addition, Option 2

[293] We note that SPP's proposal to sunset the existing ITP and Generator Interconnection processes and replace them with a single CPP was approved by the Commission on March 13, 2026. *Sw. Power Pool, Inc*., 194 FERC ¶ 61,192, at P 1. The relief sought in this Complaint should be understood to cover the annual transmission planning process in SPP. Mr. Schnitzer explains that SPP's CPP process "could increase the impact of delays associated with the solicitation process" through the "expansion of the scope of projects subject to solicitation." Schnitzer at 21-22.

[294] Nathan Shreve et al., *Fewer New Miles* at 4 fig.1; Gramlich, U.S. Senate Testimony at 4.

[295] Ball at 39.

solves some problems that Option 1 does not. In this era of exponential load growth, for example, unanticipated load or generation requests may arise after an RFP has already issued. Option 1 might not avoid a delay in that situation, if the request was truly unanticipated; Option 2's five-year suspension would do so.[296]

Option 2's categorical—though temporary—approach is also fully supported by the evidence in this proceeding. First, this evidence shows that, to a first approximation, the majority of new transmission emerging from regional transmission plans in MISO and SPP is needed "as soon as possible." That conclusion is clear by the evidence that MISO and SPP are simply *out of* spare capacity, even as load growth accelerates.[297] Mr. Schnitzer points, for example, to SPP's statement in its recent Integrated Transmission Plan (ITP) that "SPP's transmission system is at capacity and forecasted load growth will only exacerbate the existing strain."[298] That conclusion is also clear from the fact that projects currently subject to solicitation are exactly the sort of large-scale projects that typically are necessary for the deliverability of *many* different generators and loads.[299] As Mr. Schnitzer explains, many generators selected in MISO's ERAS process have service that is contingent on transmission facilities that are subject to solicitation requirements, and many pending generator interconnection requests from 2024 and 2025 ultimately will be conditioned on the completion of one or more of the ITP 2025 projects subject to solicitation.[300] That conclusion, too, is clear from the fact that 98 percent of SPP's 2025 ITP portfolio carries a "need date" within seven years, including all the 765 kV lines—underscoring that few transmission

[296] Other options may exist for addressing unanticipated load or generation requests after an RFP issues.
[297] *See supra* Background II.
[298] Schnitzer at 8; 2025 ITP Assessment Report at 16.
[299] Schnitzer at 17-18.
[300] *Id*.

projects can tolerate substantial front-end delays.[301] For example, as Mr. Cooley explains, two 765 kV connecting projects—Crawfish Draw – Woodward (approved in the 2025 ITP) and Potter – Woodward (expected to be considered for approval in the 2026 ITP)—will help serve a significant amount of new load in New Mexico and Texas.[302] These projects, despite being essential "links in the chain" for other approved transmission segments, would likely be solicited.[303]

Second, the evidence shows that even when a new project was not planned to enable specific interconnections, it will often *become* necessary to do so after approval, and on a much faster clock than originally planned. That is what happened with Wisconsin's WISE project—which initially had a 2033 in-service date but then became needed by the end of 2027.[304] Third, Option 2's approach is consistent with the evidence of the lost time-value of transmission benefits when projects are delayed, which again supports bringing consumer-benefitting projects online as soon as possible.[305]

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[301] Of the 111 projects listed in the 2025 ITP Assessment Report, just two projects have a need date past 2033. *See* 2025 ITP Assessment Report at 268-73 & Table 9.1. While this set reflects SPP staff's recommendations, and while MISO does not provide a similar need date, this figure underscores the near-term needs—and there is no reason to believe MISO is fundamentally different.

[302] Cooley (SPS) at 6-7.

[303] *Supra* Argument II.A.i; Cooley (SPS) at 6-7, 9.

[304] *Supra* Argument II.A.i.

[305] *Supra* at Argument II.B; *see, e.g.*, Grid Strategies at 8 (for every $1 billion of large-scale transmission investment that is delayed, consumers suffer approximately $150 million to $370 million in lost net benefits for each year of delay); *accord* Johannes Pfeifenberger et al., *Transmission Planning for the 21 Century: Proven Practices That Increase Value and Reduce Costs*, Brattle Grp. & Grid Strategies at 10 (Oct. 2021), https://www.brattle.com/wp-content/uploads/2021/10/Transmission-Planning-for-the-21st-Century-Proven-Practices-that-Increase-Value-and-Reduce-Costs.pdf ("Brattle-Grid Strategies Report") ("[W]ell-planned transmission investments can have a significant impact on reducing overall costs of delivering reliable electricity. As generation costs continue to fall and transmission needs to provide resilience, reliability, and system efficiency rises, transmission costs may rise as a percentage of total electricity system costs, but system-wide total costs will be lower than they would be with less transmission investment.").

Under either Option, moreover, the Commission may appropriately require and establish a remedy tailored to MISO and SPP without prejudging whether Order No. 1000's solicitation processes remain just and reasonable as applied in other regions. The point is not just that MISO and SPP distinctly face some of the highest load growth projections in the country, largely fueled by data center growth.[306] MISO's and SPP's application of solicitation requirements also materially differs from other regions. For example, the Order No. 1000 solicitation process in PJM requires submission of proposals to address an identified transmission need[307]—which is very different than the approach in MISO and SPP, where the RTOs themselves identify projects and, after Board approval, commence an RFP process for certain categories of projects. Meanwhile, the record of delay in this proceeding is specific to MISO and SPP. The Commission is "free to undertake reform one step at a time,"[308] and the record here demonstrates unjust and unreasonable tariff provisions in MISO and SPP that warrant relief without delay.

Other remedial considerations. Each of the proposed replacement rate options described above fits comfortably within the Commission's broad discretion to fix the just and reasonable replacement rate. Courts have recognized the Commission's broad authority to fashion appropriate relief upon a finding that a tariff requirement is unjust and unreasonable under Section 206.[309] Here, the Commission could effectuate this relief via a two-step process.

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[306] *See supra* Background II.

[307] *See, e.g.*, *Building for the Future through Electric Regional Transmission Planning and Cost Allocation and Generator Interconnection*, Docket No. RM21-17-000, PJM Interconnection Initial Comments Docket No. RM21-17-000, at 4, 34-35 (filed Aug. 17, 2022) (describing results of competitive window process from 2013 to 2021).

[308] *LSP Transmission Holdings II, LLC v. FERC*, 45 F.4th 979, 992 (D.C. Cir. 2022) (quotation marks omitted).

[309] *See Verso Corp.*, 898 F.3d at 12 (citing *Niagara Mohawk Power Corp. v. FPC*, 379 F.2d 153, 158 (D.C. Cir. 1967)).

First, the Commission via Section 206 should direct MISO and SPP to amend their tariffs to address the unjust and unreasonable provisions and to effectuate the remedy described above.

Second, to the extent the Commission's regulations could be read to create a barrier to doing so,[310] the Commission has broad authority to waive its own regulations as needed and so long as consistent with the statute under which the regulations were promulgated.[311] Section 309 grants authority to the Commission "to perform any and all acts . . . as it may find necessary or appropriate" to carry out its duties under the Act.[312]

This authority is particularly relevant to addressing the harms identified in this Complaint that are hindering the speedy development of transmission infrastructure. The Commission recently identified its "necessary or appropriate" powers (in the Natural Gas Act context) to support its "general statutory authority" to waive regulations.[313] In that proceeding, the Commission exercised this authority to waive a regulation that prevented construction of natural gas infrastructure to address "the pressing nationwide near-term demand for expanded natural gas transportation capacity."[314] As relevant here, the Commission also concluded that waiving this regulation "will eliminate delays in, and use lawful emergency authorities to expedite, the

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[310] We note that the open-ended text of the regulation appears to make waiver here unnecessary. 18 C.F.R. § 35.28(c)(1) and (c)(4), promulgated as part of the regulations issued along with Order No. 1000, acknowledge that the open access transmission tariff required to be on file with the Commission is either the *pro forma* tariff "as amended from time to time" or "such other tariff as may be approved by the Commission consistent with the principles set forth in Commission rulemaking proceedings promulgating and amending the *pro forma* tariff." The regulation thus acknowledges the prospect of the Commission later amending the tariff.

[311] *See, e.g.*, *Interstate Nat. Gas Ass'n of Am.*, 191 FERC ¶ 61,209 at PP 10, 13; *New Fortress Energy LLC*, 176 FERC ¶ 61,031 at P 25 (2021); *UtiliCorp United Inc.*, 99 FERC ¶ 61,280 at PP 12-16 (2002).

[312] 16 U.S.C. § 825h.

[313] *Interstate Nat. Gas Ass'n of Am.*, 191 FERC ¶ 61,209 at P 9 n.22.

[314] *Interstate Nat. Gas Ass'n of Am.*, 191 FERC ¶ 61,209 at PP 10, 13. The Commission exercised this authority in *INGAA* and concurrently commenced a generic rulemaking; while we do not seek such a generic proceeding here given the MISO- and SPP-specific evidence in this Complaint, the Commission in all events should promptly grant relief on this Complaint to protect the public interest pending any further action.

development of energy infrastructure," consistent with President Trump's Executive Orders aimed at the energy sector.[315] The Commission has similarly exercised its authority to waive regulations in the face of emergencies like the COVID-19 pandemic, hurricanes, and the Western energy crisis.[316] Considering the extent of the harms caused by the solicitation process in MISO and SPP and the urgent need to remove barriers to expeditiously building energy infrastructure, the Commission has ample authority to waive its regulations here too.

We close with a word about what this Complaint *does not* address. Many transmission issues would assuredly benefit from broader reforms across many dimensions, and the Commission should continue to consider all of those issues. The desirability of such reforms, however, is no sound reason to refrain from acting now to address the critical and time-sensitive issues raised by this Complaint—encouraging speed to power for the benefit of all.

Cost allocation, in particular, is one of several issues this Complaint does not address. SPP and MISO have rules on how costs are allocated. And while those rules are outside the scope of this Complaint, we recognize that the question of who pays is (and should be) top of mind for the Commission and many stakeholders, and that today's unprecedented circumstances raise important cost allocation questions—which the Commission and stakeholders should continue to address. For present purposes, however, the critical point is this: The Commission should take steps *now* on the time-sensitive task of ensuring that solicitation processes do not continue to delay the

[315] *Id*. at P 13 & n.36 (citing Exec. Order No. 14,154 & Exec. Order No. 14,156).

[316] *See, e.g*., *Extension of Non-Statutory Deadlines*, Docket No. AD 20-11-000, Notice Granting Extension of Time (Apr. 2, 2020) (waiving the deadline to make non-statutory filings and noting that entities may seek waiver of Commission regulations in response to the emergency conditions caused by the COVID-19 pandemic); *Expediting Infrastructure Constr. to Speed Hurricane Recovery*, 113 FERC ¶ 61,179 (2005) (temporarily waiving regulations to raise the blanket certificate cost limits in response to the loss of energy infrastructure caused by Hurricanes Katrina and Rita); *Removing Obstacles to Increase Elec. Generation & Nat. Gas Supply in the W. U.S*., 94 FERC ¶ 61,272 (2001) (temporarily waiving several regulations under multiple statutes in response to severe energy shortages in California and other areas in the West).

interconnection of critical generation and loads, and it may then continue to work on these important cost allocation questions. To the extent that any party expresses concern over the future rate impacts from new transmission to serve rapid load growth, the solicitation process offers no solution to these concerns.[317]

Indeed, Coalition members are already working to ensure that existing customers are protected from unjust cost shifts from new large loads. Evergy's Large Load Power Service tariff, for instance, is expected to result in large load customer rates 7 to 10 percent higher than existing industrial customers' rates, and requires large load customers to pay for the transmission infrastructure needed to serve them.[318] That plan, recently approved by the Kansas Corporation Commission, includes significant protections for existing customers from stranded asset risk, including a substantial exit fee for large load customers who terminate service before the end of the minimum service term.[319] Xcel Energy is similarly adding numerous rate protections in its large load retail tariffs, including: incremental-cost rates that assign incremental costs of new resources to large load customers; revenue commitments that increase over time pursuant to a "ramp schedule" designed to track the growth of power usage; exit fees and capacity reduction fees to protect ratepayers in the event of withdrawal of large load or a premature reduction of demand; and substantial security requirements as a backstop against credit risks of large load customers. And ITC Midwest projects that its overall network rate across its footprint will decline 20 percent from now through 2030 as a result of serving new large load customers.[320]

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[317] Schnitzer at 28.

[318] *In re Application of Evergy Kansas Metro, Inc.*, Order Approving Unanimous Settlement Agreement, Docket No. 25-EKME-315-TAR, 2025 Kan. PUC LEXIS 1570, ¶¶ 7, 23 (Kan. Corp. Comm'n Nov. 6, 2025).

[319] *Id*. ¶ 22; *see also id*. ¶ 29 (finding approval of unanimous settlement agreement will result in just and reasonable rates and is in the public interest).

[320] *See* Terry (ITC) at 8.

Moreover, recent Commission orders underscore the Commission's ability to ensure that the terms and conditions of transmission service to serve data center load are just and reasonable and will not pose serious harm to the public interest. In *Duke Energy Carolinas, LLC*, the Commission rejected a transmission service agreement out of concern it could improperly saddle Duke Energy's native load and other transmission customers with the costs to serve a data center customer.[321] Under that proposed agreement, if Duke Energy's transmission customer (Lockhart) exercised a rollover right, it would not pay for any of the system's going-forward costs even as it continued to take service from Duke Energy's transmission system—an outcome that "would unacceptably shift costs to other transmission customers," as Commissioner Chang explained.[322] And in several orders accepting transmission security agreements filed by Commonwealth Edison relating to transmission service for data center customers, the Commission noted that the agreements included "safeguards to protect customers" that would otherwise not exist and that the state regulator would have the opportunity to review the cost of transmission facilities associated with the data centers as part of ComEd's formula rate processes.[323] The Chairman and Commissioner LaCerte, in their joint concurring statement, emphasized the Commission's statutory obligation to take action to prevent serious harm to the public interest and, in particular, to ultimate ratepayers, and that the Commission "will always reject a rate that seriously harms the

[321] *See* 193 FERC ¶ 61,237 at P 18 (2025) ("[A]s it is currently structured, we find that the Amended Lockhart NITSA would effectively allow Lockhart not to be responsible for any costs—whether capital costs or other expenses—that DEC incurs to continue to provide transmission service for the above-referenced 200 MW of Lockhart's network load beyond the costs of the network upgrades paid through the incremental rate over the initial five-year term. As a result, as it is currently structured, the costs DEC would incur to continue to provide transmission service for Lockhart's new network load would be shifted to DEC's native load and other transmission customers.").

[322] *Id*., Comm'r Chang Concurring, at P 4.

[323] *Commonwealth Edison Co*., 194 FERC ¶ 61,183 at PP 30-31 (2026); *Commonwealth Edison Co.*, 194 FERC ¶ 61,106 at P 31 (2026); *Commonwealth Edison Co.*, 194 FERC ¶ 61,109 at P 23 (2026); *Commonwealth Edison Co.*, 194 FERC ¶ 61,110 at P 21 (2026).

consuming public."[324] Because the Commission is fully capable of protecting customers from future rate impacts associated with new transmission, the focus in this proceeding should be on the critical (and time-sensitive) task to remove unnecessary roadblocks to building quickly.

REQUESTED RELIEF AND THE NEED FOR EXPEDITED ACTION

The Grid Acceleration Coalition respectfully requests that the Commission: (1) find the solicitation requirements in the tariffs of MISO and SPP to be unjust and unreasonable; and (2) order MISO and SPP to revise their tariffs as described in Argument Section III. The Coalition respectfully asks for an action date of July 16, 2026, or as soon thereafter as possible, to ensure MISO and SPP have sufficient time to implement relief before additional needed regional transmission projects are subject to the solicitation process in those regions. We also respectfully request Fast Track processing of this Complaint.[325]

The need for both Fast Track processing and action by July 16th is especially acute in SPP. SPP is preparing to issue solicitation RFPs for two critical 765 kV projects: the Crawfish Draw – Woodward project and the Anthem–Seminole project, potentially as early as mid-July 2026.[326] Commission action by July 16, 2026 is therefore necessary to ensure that SPP does not commence

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[324] *See, e.g.*, *Commonwealth Edison Co.*, 194 FERC ¶ 61,183, Chairman Swett and Comm'r LaCerte Concurring, at P 4.

[325] 18 C.F.R. §§ 385.206(b)(11), 385.206(h)(1). The Coalition does not request a shortened comment period regarding the Complaint. *See id.* § 385.206(h)(3).

[326] SPP has indicated that it will issue the RFPs after SPP receives revised cost estimates for Non-Competitive Upgrades which will connect to the Crawfish Draw – Woodward project and the Anthem–Seminole project, which are due to SPP on June 17, 2026. *See Memo: Competitive Upgrades Status,* Southwest Power Pool, Memo at 1-2 (Nov. 11, 2025) (explaining RFP sequencing) https://www.spp.org/documents/75259a/2025%20competitive%20upgrade%20memo.pdf; *SPP Notification to Construct with Conditions*, Southwest Power Pool, at 7 (Dec. 19, 2025) (setting June 17, 2026 deadline), https://www.spp.org/documents/76060/ntc-c%20220966%20oge%20revised.pdf. Following submission of the refined cost estimate, SPP will proceed with RFP issuance if the refined cost estimates for the connecting facilities are within bandwidth meaning RFP issuance could happen as soon as July. If the estimates are outside bandwidth, then SPP will re-evaluate the 765 kV projects prior to RFP issuance, meaning that the RFPs could be issued several months later.

a solicitation for these projects. SPP has identified a need date of January 1, 2032 for both Crawfish Draw – Woodward and Anthem – Seminole, which is *sooner* than the lines can be completed, even absent solicitations. New 765 kV transmission lines typically take roughly 7–10 years to develop and energize.[327] Adding a 16-20 month solicitation process would only add more unreasonable delay. For Crawfish Draw – Woodward, as Mr. Cooley explains, earlier completion of that line would allow more customers to take service sooner, including oil-and-gas load in southeast New Mexico, data-center load in Texas, and other large loads.[328] The same urgency applies to Anthem-Seminole: SPP approved it as the 2025 ITP's sole 765 kV economic project,[329] but SPP staff later informed stakeholders that the project "becomes reliability-classified in 2026 ITP" and will support approximately 2,500 MW of load growth plus 1,875 MW of additional spot loads which will become firm loads in the 2026 ITP.[330] In these circumstances, further delay from an added solicitation would defer not only reliability benefits, but also customer cost savings and the ability to add load and generation more quickly.

Additionally, for both MISO and SPP, timely Commission action on this Complaint will ensure that relief is afforded prior to Board approval of any additional regional transmission projects later this year, thus ensuring that customers may receive the benefit of expedited development. In particular, SPP is expected to approve another significant regional transmission

[327] Cooley (SPS) at 5; *see also* U.S. Dep't of Energy, *Transmission Impact Assessment* at 5 (Oct. 2024), https://www.energy.gov/sites/default/files/2024-10/DOE_OP_2024_Report-Transmission_Impact_Assessment.pdf (reporting that transmission projects take "around 10 years to complete" based on "review of over 30 transmission projects initiated since 2005").

[328] Cooley (SPS) at 7-8.

[329] *See Minutes: Board of Directors & Members Committee Meeting: November 4, 2025*, Southwest Power Pool, www.spp.org/documents/75266/2025-11-04%20board%20of%20directors%20members%20committee%20meetings%20minutes.pdf.

[330] SPP, *RSC Education: 2025 ITP*, at 4-5 (Oct. 24, 2025), https://spp.org/documents/75091/rsc%20education%20session_20251024.pdf.

portfolio towards the end of 2026. Timely action will also allow both RTOs to implement any additional measures that the Commission or the RTOs deem necessary to make determinations on exemptions from solicitation requirements.

COMMUNICATIONS

The Coalition requests that all correspondence and communications regarding this filing be addressed to the following persons, who should be placed on FERC's official service list in this proceeding:[331]

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[331] The Coalition respectfully requests waiver of 18 C.F.R. § 385.203(b)(3) to permit the designation of more than two persons upon whom service is to be made in this proceeding.

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RULE 206 FILING REQUIREMENTS

I. Rules 206(b)(1) and (2): How Action or Inaction Violates Applicable Statutory Standards or Regulatory Requirements

As discussed above in Argument Section II(A)-(B), the solicitation processes of MISO and SPP are unjust, unreasonable, unduly discriminatory, and preferential in violation of the FPA.

II. Rule 206(b)(3): Business, Commercial, Economic or Other Issues Presented by the Action or Inaction as Such Relate to or Affect the Coalition

As discussed above in Argument Sections I and II(A)-(B), the members of the Coalition are incumbent transmission owners in MISO and SPP. They are committed to building the grid of the future in order to win the AI race and fulfill their obligation to serve. But because of the solicitation requirements in the tariffs of MISO and SPP, many critical transmission projects must go through a time-consuming solicitation process. As a result, these projects are completed later

than necessary. That solicitation process, and the delay it creates, harms the Coalition, customers, and the public at large. The Coalition therefore seeks relief from that unjust and unreasonable practice.

III. Rules 206(b)(4) and (5): Quantification of the Financial Impact or Burden Created for the Coalition and the Practical, Operational, or Other Nonfinancial Impacts Imposed as a Result of the Action or Inaction

As discussed above in Argument Section II(A)-(B), delayed interconnections conservatively impose $394–$749 million per 1,000 megawatts of demand per year in foregone benefits from interconnections of data centers alone. Delaying needed transmission projects also harms consumers, with each estimated year of delay to transmission projects destroying $150 million to $370 million in benefits for every billion dollars invested. Delayed construction due to the solicitation process also raises construction costs by 20 percent, or about $200 million for every billion dollars invested. And these delays inflict harder to quantify, but no less real, harms on the economy as a whole and on national security, particularly because delayed transmission development endangers our ability to win the AI race.

IV. Rule 206(b)(6): Whether the Issues Presented are Pending in an Existing Commission Proceeding or a Proceeding in Any Other Forum in Which the Coalition is a Party, and if so, Why Timely Resolution Cannot be Achieved in that Forum

The issues raised in the Complaint are not pending in an existing FERC proceeding or a proceeding in any other forum.

V. Rule 206(b)(7): Specific Relief or Remedy Requested, Including Any Request for Stay or Extension of Time, and the Basis for that Relief

The Coalition's specific requested relief is discussed above in Argument Section III.

VI. Rule 206(b)(8): Documents that Support the Facts in the Complaint in Possession of, or Otherwise Attainable by, the Coalition, including, but not limited to, Contracts and Affidavits

The following exhibits are attached in support of the Complaint:

A Direct Testimony of Jarred J. Cooley on Behalf of Southwestern Public Service Company

B Direct Testimony of Robert J. McKee on Behalf of American Transmission Company

C Direct Testimony of Jason T. Standing on Behalf of the Northern States Power Companies

D Direct Testimony of Dusky Terry on Behalf of ITC Holdings Corp.

E Direct Testimony of Cory E. Wood on Behalf of Southwestern Public Service Company

F Direct Testimony of Michael Schnitzer on Behalf of the Grid Acceleration Coalition

G Direct Testimony of Christopher Russo and Maxime C. Cohen on Behalf of the Grid Acceleration Coalition

H Direct Testimony of Dean W. Ball on Behalf of the Grid Acceleration Coalition

I Carl R. Peterson, *Critical Review of "The Economic Impacts of Right of First Refusal (ROFR) Legislation"*, Concentric Energy Advisors (Jan. 2025)

J Concentric Energy Advisors, *An Updated Examination of FERC Order No. 1000 Projects* (Apr. 2024)

K Concentric Energy Advisors, *Competitive Transmission: Experience To-Date Shows Order No. 1000 Solicitations Fail To Show Benefits* (Aug. 2022)

L Emma Nicholson et al., *Building New Transmission: Experience to Date Does Not Support Expanding Solicitations*, Concentric Energy Advisors (June 2019)

M Developers Advocating Transmission Advancements, *Recent Experience with Competitive Transmission Projects and Solicitations* (Feb. 2025)

N Developers Advocating Transmission Advancements, *Revisiting the Evidence on Cost Savings from Transmission Competition* (Dec. 2023)

O Zach Zimmerman et al., *Delaying Transmission Increases Costs and Reduces Benefits for Consumers*, Grid Strategies (Nov. 2025)

VII. Rule 206(b)(9): Alternative Dispute Resolution

Neither the Enforcement Hotline nor the Dispute Resolution Service has been used. The Coalition consulted with MISO and SPP in mutual good faith prior to the Coalition filing of this complaint. No other form of alternative dispute resolution is likely to be helpful.

VIII. Rule 206(b)(10): Form of Notice

The form of notice shall be on electronic media as specified by the Secretary. A form of notice suitable for publication in the Federal Register is attached.

IX. Rule 206(b)(11): Need for Fast Track processing and why the standard processes are not adequate

The Coalition respectfully requests fast-track processing of this complaint, with an action date of July 16, 2026, or as soon thereafter as possible. Fast-track processing will ensure that MISO and SPP have sufficient time to implement relief and amend their tariffs before additional needed regional transmission projects are subject to lengthy solicitation processes. As detailed above, standard processing will not afford the Coalition adequate relief. *See* discussion *supra* at Requested Relief and Need for Expedited Action.

X. Rule 206(c): Service of the Complaint on the Respondent, Affected Regulatory Agencies, and Others the Coalition Reasonably Knows may be Expected to be Affected by the Complaint

A copy of this Complaint and all exhibits has been served in accordance with this requirement.

CONCLUSION

For the reasons given above, the Commission should grant the Complaint.

Respectfully submitted,

/s/ John Estes

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On behalf of The Empire District Electric Company

Dated: April 6, 2026

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

International Transmission Co. d/b/a ITC *Transmission*, Michigan Electric Transmission Co., LLC, ITC Midwest LLC, and ITC Great Plains, LLC; Ameren Services Co.; American Transmission Co. LLC; Cleco Power LLC; Entergy Services, LLC; Evergy, Inc.; Oklahoma Gas & Electric Co.; The Empire District Electric Company; and Xcel Energy Services Inc., *Complainants*,	
v.	Docket No. EL26-___
Midcontinent Independent System Operator, Inc.; and Southwest Power Pool, Inc., *Respondents*.	

NOTICE OF COMPLAINT

Take notice that on April 6, 2026, International Transmission Company d/b/a ITC Transmission, Michigan Electric Transmission Company, LLC, ITC Midwest LLC, and ITC Great Plains, LLC; Ameren Services Company; American Transmission Company LLC; Cleco Power LLC; Entergy Services, LLC; Evergy, Inc.; Oklahoma Gas & Electric Co.; The Empire District Electric Company; and Xcel Energy Services Inc., ("Complainants") filed a complaint ("Complaint") against Midcontinent Independent System Operator, Inc., and Southwest Power Pool, Inc. ("Respondents") pursuant to Section 206 of the Federal Power Act ("FPA"), 16 U.S.C. § 824e, and Rule 206 of the Rules of Practice and Procedure, 18 C.F.R. § 385.206. Complainants request the Commission find that the "competitive" solicitation processes for certain regional transmission projects under the Respondents' tariffs are unjust and unreasonable.

Complainants certify that a copy of the Complaint was served on representatives of Respondents.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. §§ 385.211 and 214). Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondents' answers and all interventions or protests must be filed on or before the comment date. The Respondents' answers, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling link at http://www.ferc.gov. Persons unable to file electronically should submit an original and 5 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible online at www.ferc.gov, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll-free). For TTY, call (202) 502-8659.

Comment Date: 5:00 pm Eastern Time on April 27, 2026.

Debbie-Anne A. Reese,
Secretary

CERTIFICATE OF SERVICE

I certify that on April 6, 2026, I served the foregoing Complaint on Midcontinent Independent System Operator, Inc., and Southwest Power Pool, Inc., in accordance with 18 C.F.R. §§ 385.206(c), 385.2010.

/s/ John Estes
John Estes