UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

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| Grid Resilience in Regional Transmission Organizations and Independent System Operators | Docket No. AD18-7-000 |

**COMMENTS OF**
**TRANSMISSION ACCESS POLICY STUDY GROUP**

Pursuant to the Commission's January 8, 2018 order initiating the above-captioned proceeding[1] and its March 20, 2018 Notice Extending Time for Comments,[2] the Transmission Access Policy Study Group ("TAPS") submits these comments on grid resilience. TAPS appreciates the opportunity to respond to the information submitted by the Regional Transmission Organizations ("RTOs") on March 9, 2018, and supports the Commission's effort to rigorously define resilience and to consider the appropriate role for RTOs with respect to evaluating and achieving appropriate levels of resilience.

As the RTO submissions demonstrate, one size will not fit all. Each region faces different resilience challenges, based on its particular resource and load mix, location, scope, market design, the retail regulatory systems of the states in its footprint, and regional differences in the pace and direction of the changes transforming the electric industry. Establishing priorities and metrics—a crucial first step toward any resilience program—will also require local knowledge and assessment of the costs and benefits of potential actions to improve resilience. The key question as to the level of resilience to

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[1] *Grid Reliability and Resilience Pricing in Regional Transmission Organizations and Independent System Operators*, 162 FERC ¶ 61,012 (2018) ("January 8 Order").

[2] *Grid Reliability and Resilience Pricing on Regional Transmission Organizations and Independent System Operators*, 162 FERC ¶ 61,256 (2018).

be achieved can best be answered by balancing the interests of multiple stakeholder groups, with particular attention to state and local regulators, consistent with Federal Power Act ("FPA") Section 217(b)(4)'s directive to the Commission to facilitate planning for the reasonable needs of load-serving entities.[3] TAPS urges the Commission to allow RTO stakeholder processes time to build consensus on these complex issues.

We also strongly recommend that the Commission not attempt to tackle everything potentially encompassed within the broad definition of "resilience" contained in Paragraph 23 of the Commission's January 8 Order.[4] Rather, it should focus its attention on resilience of the Bulk Power System—leaving distribution system resilience issues to state and local regulators who have the experience, tools, and relationships to address them—while remaining mindful of the scope of its FPA jurisdiction. TAPS is ready and willing to work constructively to address resilience and looks forward to participating further in this proceeding.

## I. INTEREST OF TAPS

TAPS is an association of transmission-dependent utilities ("TDUs") (whether municipal, cooperative, or investor-owned utilities) in more than thirty-five states, promoting open and non-discriminatory transmission access.[5] Representing Load-Serving Entities ("LSEs") entirely or predominantly dependent on transmission facilities owned and controlled by others, TAPS has long supported Commission initiatives to form independent RTOs to provide non-discriminatory access and foster the robust

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[3] FPA § 217(b)(4), 16 U.S.C. § 824q(b)(4).

[4] *See* January 8 Order P 23.

[5] David Geschwind, Southern Minnesota Municipal Power Agency, chairs TAPS's Board, and Jane Cirrincione, Northern California Power Agency, is Vice Chair. John Twitty is TAPS's Executive Director.

generation competition needed to enable LSEs to meet their load-serving obligations reliably and affordably.

TAPS members span the continent, serving load in the eastern RTOs, other RTOs, and in non-RTO regions. They own or have long-term bilateral contracts for the full range of resources, including coal, nuclear, gas, hydro, wind, and solar, reflecting commitments made over decades in accordance with local and state laws and policies. TAPS member municipal and cooperative utilities retain an obligation to serve—even in states that eliminated that obligation for investor-owned utilities. TAPS members have an interest in ensuring that RTO markets respect their traditional, state-authorized business model by recognizing the contribution of self-supply commitments.

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## II. COMMENTS

### *A. The RTO Grid Resilience Filings Demonstrate That One Size Does Not Fit All*

The RTOs' grid resilience filings highlight the significant regional differences among RTOs. ISO New England Inc. ("ISO-NE"), for example, describes its "unique fuel-security challenges"[6] that result from the region's heavy reliance on natural gas-fired

[6] Response of ISO New England Inc. 12 (Mar. 9, 2018), eLibrary No. 20180309-5121 ("ISO-NE Comments").

generation dependent on just-in-time fuel delivery from surplus pipeline capacity released by local gas utilities in the secondary market (*id.* at 6, 21). According to ISO-NE, enhanced fuel delivery infrastructure and assuring the availability of generators with on-site fuel are potential solutions to the region's fuel security problem. *Id.* at 21-22.

ISO-NE's *energy* shortage challenge contrasts with the *capacity* shortage issues that the Commission and other Eastern RTOs have been attempting to address through increasingly complex mandatory capacity markets. Moreover, those capacity shortage issues are not tied to a lack of fuel diversity—PJM Interconnection, L.L.C. ("PJM") notes that "[g]eneration within PJM is both geographically and fuel diverse, which provides an inherent level of resilience,"[7] even as the RTO has repeatedly amended the design of its capacity construct because of concerns that too few resources are being developed and retained.

Meanwhile, the Midcontinent Independent System Operator, Inc. ("MISO") and Southwest Power Pool, Inc. ("SPP") do not identify either energy or capacity shortages as a significant problem. According to MISO, its large footprint gives it diversity of load and generation supply.[8] Although MISO describes efforts currently underway to address gas-electric coordination, it states (at 13) that "[its] geographic scope and position makes natural gas supply interruptions from natural disasters a lower-probability risk." And it reports (at 42) that "MISO currently has a sufficient amount of excess resources (on a regional basis) to support grid resilience." SPP states that capacity shortage risk due to

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[7] Comments and Responses of PJM Interconnection, L.L.C. 47 (Mar. 9, 2018), eLibrary No. 20180309-5192 ("PJM Comments").

[8] Responses of the Midcontinent Independent System Operator, Inc. 3 (Mar. 9, 2018), eLibrary No. 20180309-5105 ("MISO Comments").

"[l]ack of fleet diversity and any resulting over-dependence upon any particular fuel type," "has thus far been minimal in SPP because of operations and planning practices SPP has developed in the interest of resourcefulness."[9]

In addition to differences in existing resource mix, there are significant regional differences in the ways those resources are changing. All regions are experiencing a shift toward renewable generation,[10] but specifics matter. The California Independent System Operator's ("CAISO") submission, for example, highlights the challenges presented by integrating solar resources, including both grid-connected and behind-the-meter, which are already close to 14 percent of CAISO's resource mix. CAISO Comments at 29-33, 77-79, 91-92, 108-111. MISO, in contrast, describes its successful efforts to integrate 17,000 MW of large grid-connected wind resources, which have been sited far from load centers. MISO Comments at 3-4, 10, 32-33. ISO-NE anticipates that integration of more renewables, particularly wind, will *increase* resilience. ISO-NE Comments at 22.

There are also significant regional differences in wholesale market design and state regulatory context. For the majority of load in ISO-NE, the New York Independent System Operator, Inc. ("NYISO"), and PJM, retail service has been deregulated. Most retail utilities in those RTOs no longer have an obligation to serve,[11] and states in those regions no longer engage in Integrated Resource Planning to assure resource adequacy

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[9] Comments of Southwest Power Pool, Inc. on Grid Resilience Issues 5 (Mar. 9, 2018), eLibrary No. 20180309-5161 ("SPP Comments").

[10] Comments of the California Independent System Operator Corporation in Response to the Commission's Request for Comments about System Resiliency and Threats to Resilience 1-2 (Mar. 9, 2018), eLibrary No. 20180309-5193 ("CAISO Comments"); ISO-NE Comments at 22; MISO Comments at 10; Response of the New York Independent System Operator, Inc. 28-29 (Mar. 9, 2018), eLibrary No. 20180309-5183 ("NYISO Comments"); SPP Comments at 13 (noting "anticipated increases of installed variable generation capacity").

[11] Municipal utilities and cooperatives in those regions, however, retain the obligation to serve and continue to make long-term resource commitments to assure adequate power supply.

for those utilities. In each of those regions, the RTO administers a mandatory forward capacity market in an effort to fill the gap.

In contrast, states within CAISO, MISO, and SPP have largely retained mechanisms to assure that adequate capacity is constructed and available. In CAISO, which does not have an RTO-administered capacity market, the state of California and Local Regulatory Authorities actively manage the resource mix. LSEs, including the state's Community Choice Aggregators, are required to provide their fair share of resource adequacy—including flexible resources capable of providing ramp—reflecting California's strong preference to procure capacity needs through a bilateral market that can include LSE-owned generation.[12]

MISO is dominated by traditionally-regulated states where retail service has not been deregulated. Less than 10 percent of MISO allows retail choice; the remaining 90+ percent is traditionally regulated, and LSEs retain retail service obligations and the associated ability to make long-term capacity commitments, subject to active supervision by state and local regulators.[13] Although MISO administers a voluntary capacity market that plays a valuable residual balancing role, most LSEs continue to meet resource adequacy requirements through state-supervised long-term commitments.[14] MISO specifically notes that it has adequate resources due to "the proactive measures taken by

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[12] CAISO, Fifth Replacement FERC Electric Tariff, Appendix A & § 40, available at: https://www.caiso.com/Documents/ConformedTariff_asof_Jul10_2017.pdf (defining "CPUC Load Serving Entity" to include Community Choice Aggregators); *see also* Cal. Pub. Util. Code §§ 366.2, 380 (establishing a Community Choice Aggregator program; defining Resource Adequacy requirements for California LSEs).

[13] Midcontinent Indep. Sys. Operator, Inc., Proposed Competitive Retail Solution in New Module E-3 and Corresponding Revisions to Existing Tariff Sections in Modules A, D, and E-1, Tab A, Prepared Direct Testimony of Richard Doying at 3, *Midcontinent Indep. Sys. Operator, Inc.*, Docket No. ER17-284-000 (Nov. 1, 2016) eLibrary No. 20161101-5205.

[14] *See Midcontinent Indep. Sys. Operator, Inc.*, 162 FERC ¶ 61,176, P 44 (2018), *reh'g pending*.

the MISO States, coupled with the [MISO Planning Resource Auction] as an additional tool to procure capacity resources to meet reliability requirements." MISO Comments at 42.

LSEs in SPP similarly retain the obligation to serve, subject to state and local regulatory supervision. SPP has no capacity market. And its submission in this proceeding reports "minimal" risk of a capacity shortage. SPP Comments at 5.

All RTOs identified natural disasters as a resilience challenge; but even there, the specific risks differ from region to region. CAISO, for example, states that it faces risk from earthquakes, fires, drought, and changing weather conditions (at 10-12)—but not hurricanes or severely cold weather, which are major challenges for East Coast RTOs. CAISO Comments at 83.

These and other differences among the RTOs make clear that one size will not fit all. Resilience solutions should be tailored to the particular problems of each region, taking into account its specific existing conditions, priorities, and the ways in which the region's electric system and resource mix are changing.

### *B. Robust Stakeholder Processes are Crucial to Developing Regional Consensus on Resilience Priorities and Measures*

The RTOs report that they are already actively working with their stakeholders to address resilience issues identified in their March 9 submissions. Those stakeholder processes should be allowed to run their course;[15] that is the best way to assure that the resilience measures adopted by each RTO take into account region-specific information on existing conditions and likely changes in those conditions.

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[15] *See*, *e.g.*, ISO-NE Comments at 12 (asking that FERC give ISO-NE time to continue working with stakeholders); MISO Comments at 6 (describing ongoing stakeholder process).

These RTO stakeholder processes are also crucial to establishing priorities. While there appears to be broad agreement that some degree of "resilience" is desirable in the abstract, CAISO correctly notes (at 8) that the resilience definition that appears in Paragraph 23 of the January 8 Order is "general and somewhat vague." It contains no criteria or metrics to evaluate the resilience of the existing grid.

The crucial question is: "what is resilient enough?" "Resilience" should not become a license for RTOs to gold-plate the system by taking unilateral actions that unduly drive up the costs to consumers, including transmission costs—an outcome fundamentally inconsistent with FPA Section 217(b)(4)'s directive to the Commission to facilitate planning for the *reasonable* needs of load-serving entities. It is always possible to build more redundancy into the grid or require ever higher levels of reserves, spare equipment, and personnel standing by. Therefore, to make "resilience" a useful and meaningful concept for evaluating and planning the grid, we have to decide: What are the scenarios that we want the system to be able to withstand? What are the specific restoration targets that we want to achieve? And at what cost?

The North American Electric Reliability Corporation's ("NERC") definition[16] of "Adequate Level of Reliability"[17] is instructive: it distinguishes (at 1) between predetermined Disturbances ("the more probable Disturbances to which the power system

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[16] N. Am. Elec. Reliability Corp., Informational Filing on the Definition of "Adequate Level of Reliability," *N. Am. Elec. Reliability Council*, Docket No. RR06-1-000 (May 10, 2013), eLibrary No. 20130510-5126.

[17] A criterion for being certified as the ERO is "the ability to develop and enforce . . . reliability standards that provide for an adequate level of reliability of the bulk-power system." FPA § 215(c)(1), 16 U.S.C. § 824*o*(c)(1).

is planned, designed, and operated") and "low probability Disturbances," and recognizes that it may be appropriate to treat them differently. NERC states (at 2) that

> BES owners and operators may not be able to apply any economically justifiable or practical measures to prevent or mitigate [the] Adverse Reliability Impact on the BES [of low probability Disturbances] despite the fact that these events can result in Cascading, uncontrolled separation or voltage collapse. For this reason, these events generally fall outside of the design and operating criteria for BES owners and operators.

NERC's "Adequate Level of Reliability" definition thus recognizes (as Congress implicitly did by including the word "adequate" in the statute) that a requirement of "zero blackouts" is neither economically justifiable nor practically feasible.

As the RTOs note, there must also be a requirement that the benefits of resilience measures outweigh their costs. CAISO Comments at 47; MISO Comments at 7, 20, 36-37; NYISO Comments at 5; PJM Comments at 10; SPP Comments at 19. Implementing this standard will not be easy: assessing the risks and benefits associated with mitigating high impact/low frequency events is difficult (*see* MISO Comments at 20). Even in a static system, the task would be formidable. Given the changes underway in our electric system, it is even harder, requiring RTOs and the Commission to identify and focus on smart, region-specific "no regrets" strategies that provide broad benefits across a wide range of likely futures, rather than single-purpose investments that may rapidly become obsolete as the electric industry continues to evolve.

Decisions about the degree of resilience and regional priorities necessarily entail judgments as to the risks and costs that consumers should bear. Moreover, they will have ramifications for matters outside the Commission's jurisdiction (e.g., retail service reliability and local distribution facilities); and the strategies available to achieve

resilience may well require close collaboration with distribution utilities and relevant electric retail regulatory authorities (e.g., to consider microgrids or local distribution system modifications to support more flexible operation of Distributed Energy Resources).

The Commission should therefore reject recommendations that resilience priorities and measures be established generically, or unilaterally decided by the RTO or the Commission.[18] Rather, these determinations should be addressed on a regional basis through the stakeholder process, with appropriate deference to state and local regulators (*see* MISO Comments at 20).

### *C. The Commission Should Focus on the Bulk Power System*

The Commission's January 8 Order correctly noted (P 19 n.31) that "the concept of resilience necessarily involves issues, topics, and questions that extend beyond the Commission's jurisdiction, such as distribution system reliability and modernization."[19]

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[18] *See* PJM Comments at 5 n.7, 37-38 (requesting that the Commission direct PJM to submit a filing proposing any necessary Tariff revisions required to implement resilience planning criteria, "[i]f the Commission is concerned about the ability of PJM and its stakeholders to come to agreement on appropriate planning criteria to be utilized to address resilience"), 81 (recommending that the Commission establish a process that would allow an RTO to receive verification as to the reasonableness of vulnerability and threat assessments based on information that may be available to the Commission but not available to the RTOs).

[19] FPA Section 201(b)(1), 16 U.S.C. § 824(b)(1), for example, provides that the Commission "shall not have jurisdiction . . . over facilities used for the generation of electric energy or over facilities used in local distribution." Moreover, as discussed in greater detail in Part II.D below, the Commission's authority under FPA Section 215 explicitly excludes the authority to require the enlargement of facilities or the construction of new transmission or generation capacity, FPA § 215(a)(3); and the Commission's Section 215 jurisdiction is limited to the reliability of the Bulk Power System, which does not include facilities used in local distribution. FPA § 215(a)(1).

The RTO submissions echo the Commission's recognition that resilience, broadly defined, is not a matter solely within the hands of the Commission and RTOs.[20]

The Commission's focus should be the bulk power system, and it should not be distracted by distribution system reliability/resilience issues. State and local regulators already actively address distribution system resilience issues. Even states that have deregulated retail electric service have retained strong regulatory control over distribution utilities and the reliability of service they provide. And state and local regulators already have well-developed systems to assess and achieve distribution reliability and resilience. Standardized Institute of Electrical and Electronics Engineers ("IEEE") metrics are used to measure distribution system outages and distribution utility performance.[21] Distribution utilities are expected to achieve performance benchmarks; and if they fail to do so, they are accountable to state and local regulators—who, in turn, are accountable to retail customers.

Distribution utilities and state and local regulators have also developed tools and relationships to support distribution system resilience, including standing mutual aid agreements among utilities (so that agreements do not need to be made on the fly for each incident), a system of designated utility, network, and national coordinators to ensure

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[20] *See* MISO Comments at 7-8, 34 ("To the extent the Commission is interested in addressing concerns at the distribution level, the Commission should continue working in partnership with State regulators . . . to help ensure a coordinated effort."); CAISO Comments at 8 ("[e]nsuring resilience potentially requires the involvement and actions of a host of entities other than [ISOs] and RTOs – transmission and generation owners, fuel suppliers and transporters, federal agencies, reliability organizations, states, consumer groups, environmental groups, and other stakeholders."); PJM Comments at 3 ("PJM's role in the resilience effort is not an exclusive role, but a partnership role that involves interaction and coordination with member Transmission Owners, Load Serving Entities, end-use customers, the Commission, other federal and state agencies and regulatory commissions, and other stakeholders.").

[21] IEEE metrics for distribution system outages include: System average interruption frequency index ("SAIFI"); Customer average interruption duration index ("CAIDI"); System average interruption duration index ("SAIDI"); Momentary average interruption frequency index ("MAIFI").

coordinated response among utilities and with state and federal governmental officials,[22] and other programs to expedite distribution system restoration through shared resources. States have passed laws directing retail regulators to establish standards for disaster and emergency preparedness plans, and requiring utilities to develop, adopt, and update such plans in compliance with those standards.[23] And individual distribution utilities have invested significant time and resources in developing, maintaining, and training their staff with respect to the storm response and restoration plans they have developed for their own systems.

Local utilities work cooperatively after storms to restore damaged distribution and transmission facilities. In Florida, for example, municipal utilities coordinate with and offer mutual assistance to investor-owned and cooperative utilities as well as one another.[24] Line crews from neighboring regions also convene to assist when there are widespread distribution outages. In addition to participating in mutual aid efforts, TAPS members in areas likely to suffer severe weather carry spare poles and other equipment to

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[22] *See, e.g.*, *Understanding the Electric Power Industry's Response and Restoration Process*, Edison Electric Institute (2016), available at: http://www.eei.org/issuesandpolicy/electricreliability/mutualassistance/Documents/MA_101FINAL.pdf; *Mutual Aid*, American Public Power Association, https://www.publicpower.org/mutual-aid (last visited May 8, 2018).

[23] *See, e.g.*, Cal. Pub. Utils. Code § 768.6. *See also* S.B. 1028, 2015-2016 Assemb., Reg. Sess. (Ca. 2016), available at: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1028 (requiring all electric utilities to develop a wildfire mitigation plan).

[24] *See, e.g.*, Florida Electric Utilities' Mutual Aid and Assistance Compact (June 29, 2017); Florida Municipal Electric Association Hurricane/Storm/Disaster Response Information and Mutual Aid Procedures, http://publicpower.com/mutual-aid-hurricanestormdisaster-response-information/ (last visited May 8, 2018); *see also supra* note 22.

help expedite restoration.[25] And municipal joint action agencies have established programs to support small systems in more quickly responding to distribution system power outages.[26]

State and local regulators—who are familiar with local distribution systems, the specific resilience challenges they face (which may vary enormously even within the footprint of a single RTO), and the retail customers they serve—are also in the best position to weigh the costs and benefits of authorizing distribution utility actions to enhance the resilience of the distribution system. Rather than second-guessing their decisions on matters beyond the Commission's jurisdiction, the Commission should focus its attention on bulk power system resilience.

### *D. The Commission Should Not Assume That Everything Encompassed by its Broad Definition of "Resilience" Is Entirely Within its FPA Section 215 Jurisdiction*

There is some overlap between resilience and reliability: NERC standards clearly address some aspects of resilience. For example, the purpose of EOP-008-1 is to "[e]nsure continued reliable operations of the [BES] in the event that a control center becomes inoperable."[27] In addition, aspects of resilience may be relevant to NERC bulk

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[25] As PJM correctly recognizes (at 48-49), the equipment and personnel needed to complete distribution system repairs are more readily available than for transmission system repairs. Thus, at the distribution level, there is less need for the type of probabilistic risk assessment that PJM performs to determine whether a spare 500/230kV transformer might be needed in a particular area of the bulk electric system. PJM Comments at 44-45.

[26] TAPS member Indiana Municipal Power Agency ("IMPA"), for example, has created IMPA Service Corp, which has regional alliances for the purpose of providing IMPA's smaller members with adequate line personnel and equipment in the event of an outage on their system. IMPA Service Corp's operations crew coordinates the procedures and staffing requirements for outage response to participating members, in order to reduce the duration of distribution system power outages. *Operations*, Indiana Municipal Power Agency, https://www.impa.com/about-impa/impa-service-corp/operations (last visited May 8, 2018).

[27] NERC, Standard EOP-001-1 — Loss of Control Center Functionality, available at: https://www.nerc.com/files/eop-008-1.pdf.

power system adequacy assessments,[28] and even merit some consideration in development of standards for the reliable operation of the bulk power system.

However, PJM goes too far when, in several instances, it cites FPA Section 215 as a basis for asserting that resilience falls within the Commission's FPA responsibilities, and asks that the Commission clarify that resilience is "anchored in the Congressional definition of reliable operations." PJM Comments at 11; *see also id.* at 5. Section 215 does not give the Commission jurisdiction to regulate everything that might be considered to fall within the term "resilience," as defined in Paragraph 23 of the January 8 Order. The Commission and NERC cannot require the construction of additional generation or transmission capacity under Section 215.[29] Section 215 jurisdiction explicitly excludes any authority to set or enforce compliance with standards for adequacy or safety of electric facilities or services. And it expressly preserves without preempting State action to ensure safety, adequacy, and reliability within its State (so long as the action is not inconsistent with a reliability standard).[30]

In addition, FPA Section 215(a)(1) defines "Bulk Power System" to focus on the interconnected transmission network, and generation needed to maintain transmission system reliability; and expressly excludes distribution. ("The term [BPS] does not include facilities used in the local distribution of electric energy.") This exclusion of facilities used in local distribution is confirmed and amplified by Section 215(i)(2) and

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[28] FPA § 215(g), 16 U.S.C. § 824*o*(g).

[29] FPA § 215(a)(3), (i)(1), 16 U.S.C. § 824*o*(a)(3), (i)(1).

[30] FPA § 215(i)(2)-(3), 16 U.S.C. § 824*o*(i)(2)-(3).

(3)'s state savings clauses.[31] Therefore, to the extent the Commission retains a broad definition of "resilience," along the lines of the definition that appears in Paragraph 23 of the January 8 Order, it should also continue to recognize (*see* January 8 Order P 19 n.31) that concept of resilience encompasses areas outside the Commission's jurisdiction.

## CONCLUSION

Any Commission action taken in this proceeding should consider and reflect TAPS comments as set forth above.

Respectfully submitted,

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[31] FPA Sections 215(a)(3)'s and (i)(2)'s express bar against FERC or NERC ordering construction of additional generation or transmission capacity similarly confirms the intended exclusion of distribution from Section 215's scope; because distribution is excluded, there was no need to expressly include distribution facilities in the list of facilities to which FERC cannot order additions.