

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

North American Electricity Reliability
Corporation

Docket No. RD22-4-001

**COMMENTS OF THE AMERICAN PUBLIC POWER
ASSOCIATION, THE EDISON ELECTRIC
INSTITUTE, THE LARGE PUBLIC POWER
COUNCIL, AND THE TRANSMISSION ACCESS
POLICY STUDY GROUP**

On August 16, 2023, the North American Electric Reliability Corporation (“NERC”) filed with the Federal Energy Regulatory Commission (“Commission”) its Inverter Based Resources Work Plan Progress Update.¹ The American Public Power Association (“APPA”), the Edison Electric Institute (“EEI”), the Large Public Power Council (“LPPC”), and the Transmission Access Policy Study Group (“TAPS”) (collectively, “Trade Associations”) submit brief responsive comments.

I. COMMENTS

The Trade Associations previously submitted comments² regarding NERC’s February 15, 2023, Request for Approval of the Inverter Based Resources (“IBR”) Work Plan³ and March 13, 2023, Amendment,⁴ emphasizing that the conceptual IBR

¹ North American Electric Reliability Corporation Inverter Based Resources Work Plan Progress Update (Aug. 16, 2023), eLibrary No. 20230816-5151 (“Progress Update”).

² Comments of the American Public Power Association, the Edison Electric Institute, the Large Public Power Council, and the Transmission Access Policy Study Group, Docket No. RD22-4-00 (Mar. 20, 2023), eLibrary No. 20230320-5178 (“Joint Comments”).

³ North American Electric Reliability Corporation Request for Approval of the Inverter Based Resources Work Plan and Request for Expedited Review, Docket No. RD22-4-00 (Feb. 15, 2023), eLibrary No. 20230215-5191 (“IBR Work Plan” or “Work Plan”).

⁴ North American Electric Reliability Corporation Amendment to Inverter-Based Resources Work Plan and Errata to Whitepaper, Docket No. RD22-4-00 (Mar. 13, 2023), eLibrary No. 20230313-5249 (“Amendment”).

registration thresholds and revised Statement of Compliance Registry Criteria⁵ language set out in that filing were subject to ongoing refinement based on NERC's stakeholder process. In response to these and other comments, the Commission stated:⁶

In approving NERC's work plan and associated implementation timeline, we simply find that NERC has met [the Commission's] requirements [to develop and file a work plan explaining how it will identify and register unregistered IBRs that, in the aggregate, have a material impact on the reliable operation of the Bulk-Power System, but are not currently required to be registered with NERC]. We are not making a determination on the substance or direction of the registration approach that NERC will develop. We appreciate that commenters, both supporting and opposing NERC's work plan, raise various issues regarding the potential approach, scope, and detail of NERC's IBR registration plan. We decline to address these matters in this order. *NERC's planned activities will necessitate a future filing at the Commission, at which time we will address the substance of NERC's proposal to determine whether, pursuant to FPA section 215, NERC's proposal is just and reasonable and not unduly discriminatory or preferential.*

The Progress Update includes a "preview of the ROP Registry Criteria revisions that NERC plans to post in early September,"⁷ as well as a narrative that sets out the objectives NERC is seeking to achieve. NERC notes that its "excerpt [of contemplated ROP revisions] is not intended to be comprehensive and is included to provide more detail on the direction of ROP revisions to facilitate collaboration and feedback."⁸ At this point, NERC anticipates submitting proposed ROP revisions for Commission approval in

⁵ NERC Rules of Procedure ("ROP") (Jan. 19, 2021), App. 5B, Statement of Compliance Registry Criteria, available at <https://www.nerc.com/FilingsOrders/us/RuleOfProcedureDL/Appendix%205B.pdf>.

⁶ *N. Am. Elec. Reliability Corp.*, 183 FERC ¶ 61,116, P 37 (2023) (emphasis added) ("Work Plan Order").

⁷ Progress Update at 2.

⁸ *Id.*

early 2024, following a 45-day public comment period,⁹ consistent with the ROP revision process set out in NERC's Bylaws.¹⁰ Consistent with the Commission's Work Plan Order, NERC does not here seek substantive determinations on the registry criteria language under development, an approach the Trade Associations support. NERC also represents that it is continuing to consider companion revisions to the BES definition,¹¹ as the Trade Associations indicated in response to NERC's initial Work Plan filing would be consistent with the foundational nature of the BES definition.¹²

The Trade Associations generally share the objectives set out by NERC in the narrative portion of the Progress Update, and we appreciate NERC's providing the draft language in its Progress Update to facilitate feedback. While further revisions to the language are needed to accurately express NERC's intent, the Trade Associations are encouraged by the improvements that NERC has made in this revised draft language in partial response to stakeholder concerns regarding its original draft, and look forward to working with NERC Staff and other stakeholders over the next few months, including through the formal comment period NERC anticipates beginning in September, to ensure that the language ultimately presented to the Commission for approval satisfies the Commission's directive and the criteria of Section 215(f) of the Federal Power Act.¹³

⁹ Progress Update, Attach. 1 at 4-5.

¹⁰ NERC Bylaws, § 2 (Aug. 20, 2020), available at <https://www.nerc.com/gov/Annual%20Reports/Amended%20and%20Restated%20Bylaws%204-5-21.pdf>.

¹¹ Progress Update, Attach. 1 at 3.

¹² Joint Comments at 5.

¹³ 16 U.S.C. 824o(f).

CONCLUSION

The Trade Associations respectfully request that the Commission consider their comments in the above-captioned proceeding.

Respectfully submitted,

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August 31, 2023

CERTIFICATE OF SERVICE

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

Dated on this 31st day of August, 2023.

/s/ Lauren L. Springett

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