



FERC Orders 890 and 1000:
Enforcing the Transmission Planning
“Customer Bill of Rights”

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Order No. 890

- (1) coordination;**
- (2) openness;**
- (3) transparency;**
- (4) information exchange;**

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- (5) comparability;**
- (6) dispute resolution;**
- (7) regional participation;**
- (8) economic planning studies; and**
- (9) cost allocation for new projects**

Order No. 1000

- Requires transmission providers to engage in a regional transmission planning process and to develop a regional transmission plan that:
 - Assesses whether regional transmission solutions could meet the region's needs more efficiently and cost-effectively than local facilities;
 - Identifies and evaluates transmission needs driven by state, local, and federal public policies; and
- Eliminated incumbent ROFR for regional projects.
- Transmission providers may, but not required to, use competitive solicitations to solicit projects or project developers to meet regional needs.

The Order No. 890 Complaints

- **FERC-Initiated Proceedings:** August 2016 Order to Show Cause to PJM Transmission Owners (*Monongahela Power Co.*, 156 FERC ¶ 61,134 (2016))
- **Customer Initiated Proceedings:** February 2017 complaint against Pacific Gas & Electric Company (*pending*, Docket No. EL17-45-000)

Order No. 1000 Check-In

- In 2016, FERC convened a technical conference and solicited industry comment (Docket No. AD16-18-000) on status of competitive transmission development efforts post-Order No. 1000.
- Unclear where FERC will take this.

The Road Ahead

- Customers can get robust planning processes in place.
 - But then have to participate.
- Push back against incentive rates.
 - *Pacific Gas and Electric Co.*, 160 FERC ¶ 61,018 (2017)
- Stay tuned on competitive solicitations.