

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

Improvements to Generator Interconnection  
Procedures and Agreements.

Docket No. RM22-14

**REPLY COMMENTS OF THE CALIFORNIA ENERGY STORAGE ALLIANCE ON  
THE NOTICE OF PROPOSED RULEMAKING**

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December 14, 2022

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Pursuant to the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or Commission”), the California Energy Storage Alliance (“CESA”) respectfully submits these reply comments on the Notice of Proposed Rulemaking (“NOPR” or “Proposed Rules”), issued by FERC on June 16, 2022. Overall, in an effort to address interconnection queue backlogs and resolve unjust, unreasonable, or discriminatory generator interconnection processes, the NOPR proposed various reforms to its *pro forma* Large Generator Interconnection Procedures (“LGIPs”), *pro forma* Small Generator Interconnection Procedures (“SGIPs”), *pro forma* Large Generator Interconnection Agreement (“LGIA”), and *pro forma* Small Generator Interconnection Agreement (“SGIA”). CESA timely filed initial comments on October 12, 2022 in this proceeding.

**I. INTRODUCTION.**

CESA shares the common concerns among all stakeholders involved in improving the generator interconnection process to address queue backlogs, among other significant issues. The number of initial comments submitted in response to the FERC NOPR is a clear indication to these ends. While CESA appreciates all the topics being addressed within the NOPR and through stakeholder comments, we recommend that the Commission consider specific changes to the

NOPR that would address queue backlogs and at the same time ensure that the market competitiveness is not hindered. That said, CESA respectfully responds to the following topics, which will further enhance the generator interconnection process both in California and at the national level:

- Heat maps and interconnection information should be made publicly available to reduce the number of speculative projects entering the queue.
- Proposals requiring 100% site control at the interconnection request stage should be rejected to avoid tilting the favor towards utility-owned projects.
- The commercial readiness criteria should be removed to avoid implementing requirements that would be impossible for most developers to meet.
- The financial penalties on transmission providers that fail to meet study deadlines should be increased to truly incentivize meeting study deadlines.
- Allowing interconnection customers to specify operating assumptions will allow for more efficient use of already scarce transmission system capacity.
- Proposals to prioritize and favor certain projects and interconnection customers must be rejected as violating the Commission's long-standing policies on open access and non-discriminatory interconnection procedures.

Importantly, the Commission stated in Order No. 2003, that one of the purposes of establishing a standard set of generator interconnection procedures was to “minimize opportunities for undue discrimination and expedite the development of new generation, while protecting reliability and ensuring that rates are just and reasonable.”<sup>1</sup> However, CESA believes that several aspects of the NOPR, specifically, the commercial readiness requirements, result in opportunities

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<sup>1</sup> Order No. 2003, 104 FERC at P 11.

for undue discrimination and hinders the development of new generation in certain markets. Nevertheless, the NOPR has also proposed an appropriate mechanism that would help ensure that “rates are just and reasonable”<sup>2</sup> in the form of requiring transmission providers to “use operating assumptions for interconnection studies that reflect the proposed operation of an electric storage resource or co-located resource containing an electric storage resource.”<sup>3</sup> The basis for these points was reinforced by several industry stakeholders in their opening comments. To that end, CESA offers the following response to help the Commission meet its goals stated in the NOPR.

**A. Heat maps and interconnection information should be made publicly available to reduce the number of speculative projects entering the queue.**

For various reasons, multiple parties expressed interest and were supportive of the proposal to “set minimum requirements for transmission providers to publicly post available information pertaining to generator interconnection.”<sup>4</sup> CESA along with several stakeholders including the American Clean Power Association (“ACP”),<sup>5</sup> Tesla,<sup>6</sup> and Pattern Energy,<sup>7</sup> to name a few, expressed their support for a publicly available visual representation of available interconnection capacity (*e.g.*, heat maps). However, there was also opposition from some stakeholders including the Los Angeles Department of Water and Power (“LADWP”) and Southern California Edison (“SCE”), who generally expressed concerns over security implications related to publicly releasing interconnection information.<sup>8</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> NOPR at 201.

<sup>4</sup> NOPR at 43.

<sup>5</sup> ACP comments at 12.

<sup>6</sup> Tesla comments at 6-7.

<sup>7</sup> Pattern comments at 24.

<sup>8</sup> LADWP comments at 3 and SCE comments at 14.

CESA acknowledges and appreciates the concerns over Critical Energy Infrastructure Information (“CEII”) security implications expressed by some stakeholders. However, CESA agrees with Pattern’s statement that “CEII cannot be used as an unreasonable impediment to withhold information from generator interconnection customers.” In California, for example, the California Public Utilities Commission (“CPUC”) has previously ruled that “security” concerns are not a reasonable or blanket excuse for making location-specific infrastructure information pertaining to the development of Distributed Energy Resources (“DER”) inaccessible for prospective interconnection customers, except where substantiated or due to customer privacy concerns (*i.e.*, 15/15 rule).<sup>9</sup> Furthermore, as mentioned in the NOPR, there are other Independent System Operators (“ISO”) and Regional Transmission Operators (“RTOs”) already providing this information in the form of a heat map. The Midcontinent Independent System Operator (“MISO”) has this information available in the form of a heat map, which serves as a perfect example that all ISOs and RTOs should minimally follow or be inspired to replicate in some form.<sup>10</sup> Additionally, PJM recently announced the release of a similar heat map tool that will provide more useful interconnection information for prospective developers.<sup>11</sup> To that end, implying that making useful interconnection information

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<sup>9</sup> *Administrative Law Judge’s Ruling Resolving Confidentiality Claims Raised by Pacific Gas and Electric Company, Southern California Edison Company, and San Diego Gas & Electric Company as to Distribution System Planning Data Ordered by Decision (D.) 17-09-026 and D.18-12-004*, issued on December 17, 2018 in Rulemaking 14-08-013, *et al.*

<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M251/K163/251163640.PDF>

<sup>10</sup> NOPR at 44.

<sup>11</sup> PJM System Planning. (Dec. 2022). *Queue Scope Interconnection Screening Tool*. Retrieved from: <https://pjm.com/markets-and-operations/etools/planning-center>

publicly available to reduce the number of speculative projects from entering the queue, is not possible due to concerns over “security implications” is unreasonable.

Such a blanket and categorical opposition to data in a heat map therefore has no merit, and the Commission should move forward with their proposal to set minimum requirements for transmission providers to post available information pertaining to generator interconnection. Other ISOs and RTOs should minimally consider using MISO’s methodology for deploying and maintaining their visual representation of interconnection information tools.

**B. Proposals requiring 100% site control at the interconnection request stage should be rejected to avoid tilting the favor towards utility-owned projects.**

Multiple utilities expressed support for the NOPR’s proposal to require 100% site control at the interconnection request stage, including Pacific Gas and Electric Company (“PG&E”) and SCE,<sup>12</sup> premised on the grounds that it would help reduce the number of projects entering the queue. However, CESA agrees with many stakeholders that the site control proposal is excessively stringent and would heavily tilt the favor toward utility-owned projects.<sup>13</sup> Furthermore, CESA agrees with Invenenergy that the site control proposal would be unreasonable considering “the point of interconnection can change during the study process” which could subsequently require a change in the site being used.<sup>14</sup> Even with heat maps, the initial phases of the interconnection process are the stage at which interconnection customers gain greater information discovery on interconnection capacity and greater certainty on potential upgrade costs, such that 100% site control at the

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<sup>12</sup> PG&E comments at 4 and SCE comments at 6.

<sup>13</sup> ACP comments at 31-32.

<sup>14</sup> Invenenergy comments at 10.

interconnection request stage is excessive and unnecessary and only serves to raise the cost of project development for all projects.

The proposed site control requirement would certainly meet the Commission's goals to limit the number of interconnection requests entering the queue, but it would achieve this goal by filtering out a large swath of projects regardless of commercial viability and economic efficiency of project siting decisions, thereby frustrate the project development process. It would also be counterproductive in some respects to achieving Commission's goals of speeding up the interconnection process when considering the potential delays associated with land acquisitions if the point of interconnection were to change during the study process. To that end, CESA recommends removing the 100% site control requirement from Commission's Final Rules to avoid implementing an overly prescriptive requirement at the national level.

**C. The commercial readiness criteria should be removed to avoid implementing requirements that would be impossible for most developers to meet.**

While understanding the Commission's efforts to reduce the number of interconnection requests in the queue, it would be unrealistic to implement the stringent commercial readiness requirements proposed in the NOPR without negatively impacting the deployment of new generation and storage projects. Many stakeholders in their initial comments, including CESA, suggested that the commercial readiness requirements are not only unrealistic, but would also be discriminatory against independent power producers.<sup>15</sup> Furthermore, CESA strongly agrees with the CAISO's comment stating that "it would be

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<sup>15</sup> SEIA comments at 22 & CESA comments at 9.

impossible for developers to meet the commercial readiness criteria to submit an interconnection request.”<sup>16</sup>

More importantly, CESA agrees with EDFR and other developers that requiring an executed term sheet or Power Purchase Agreement (“PPA”) to demonstrate commercial readiness is a requirement that is simply infeasible for most developers.<sup>17</sup> For instance, NextEra’s comments state that “most projects are not commercially viable until after the interconnection costs are known, which is impossible to predict in advance.”<sup>18</sup> Therefore, requiring an executed term sheet or PPA to demonstrate commercial readiness prior to entering the queue is economically infeasible for most developers, particularly in California. Moreover, implementation of a commercial readiness requirement that is unreasonable and impossible to meet in areas like California, would certainly reduce the queue size, but would also significantly decrease the competition among developers and subsequently result in higher costs for development, which would eventually shift over to ratepayers.

Above all, CESA shares the same concerns that many California developers and stakeholders expressed regarding the unattainable commercial readiness requirements. If the Commission elects to adopt a commercial readiness requirement, it should consider adopting methods other than an executed term sheet or PPA to demonstrate compliance. Other more feasible methods of demonstrating commercial readiness compliance as suggested by various developers include:

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<sup>16</sup> CAISO comments at 18.

<sup>17</sup> EDFR comments at 4 & 5.

<sup>18</sup> NextEra comments at 24 and Shell & Savion comments at 13.



- Proof of a pending permit application with meaningful progress.<sup>19</sup>
- Proof of purchasing generation equipment or high voltage equipment.<sup>20</sup>
- Submit commercial readiness deposits until they can meet the facilities study commercial readiness requirements.<sup>21</sup>

It is important to acknowledge the need to reduce queue sizes and the number of speculative projects entering the queue. However, the Commission must ensure the requirements adopted balance the goals set out in the NOPR and are not too prescriptive and counterproductive at the national level.

**D. The financial penalties on transmission providers that fail to meet study deadlines should be increased to truly incentivize meeting study deadlines.**

The penalties for ISOs and RTO that do not meet study deadlines on time should be raised to an appropriate amount that will truly incentivize the completion of interconnection studies in a timely fashion. CESA strongly agrees with Invenergy's opening comments that the \$500/day penalty will do very little to incent transmission providers to comply with study deadlines.<sup>22</sup> However, CESA also shares Enel's concerns regarding the potential impacts to study accuracy if significant penalties are imposed on transmission providers for not meeting study deadlines.<sup>23</sup> Moreover, we acknowledge that some ISOs and RTOs currently lack sufficient resources and personnel that could hinder their ability to complete study deadlines on time. Nevertheless, it is important to hold ISOs

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<sup>19</sup> Vistra comments at 7.

<sup>20</sup> ENGIE comments at 5-6.

<sup>21</sup> CAISO comments at 16 & 17.

<sup>22</sup> Invenergy comments at 30.

<sup>23</sup> Enel comments at 48.

and RTOs accountable in some ways for missed deadlines given that interconnection customers are held to similar standards.

Imposing penalties on transmission providers for not meeting study deadlines could indirectly motivate ISOs and RTOs to prioritize generator and storage interconnection application studies, increase human resources, and implement automation tools, among other measures, which would generally speed up the interconnection process and help them meet their study deadlines. Without the proper incentive to complete studies on time, it will be a challenge to create a process that encourages efficient study timelines and automation of the interconnection process. That said, we believe the penalties should be raised to a reasonable amount that will act as an incentive to complete studies promptly. CESA suggests raising the penalty amount to \$2,500/day and cap the total amount at 100% of the total cluster study deposit.

**E. Allowing interconnection customers to specify operating assumptions will allow for more efficient use of already scarce transmission system capacity.**

Multiple stakeholders submitted comments in support of FERC’s proposal to allow interconnection customers to specify the intended operation of their Energy Storage System (“ESS”). To that end, CESA agrees with ACP’s opening comments that enabling storage facilities to specify operating assumptions during the interconnection study process will not only enable faster interconnection processes but will also promote efficient use of scarce transmission system capacity.<sup>24</sup> With this in mind, CESA also agrees with the Solar Energy Industries Association (“SEIA”) statement that “efficiently using already scarce

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<sup>24</sup> ACP at 52.

transmission system capacity will result in just and reasonable rates for interconnection customers and consumers.”<sup>25</sup>

While there was broad support from developers for the Commission’s operating assumptions proposal, there were also some utilities who opposed the proposal in their opening comments. For example, San Diego Gas & Electric (“SDG&E”) explained their basis for opposition as due to the potential of introducing “undue risk into the interconnection study process.”<sup>26</sup> They also argued that this would be inconsistent with “historical planning standards and philosophies, which generally involve planning for reasonable worst-case assumptions.”<sup>27</sup> To the contrary, CESA strongly believes that, if the industry continues to adhere to “historical planning standards and philosophies” while technology within the industry continues to significantly advance, there will continue to be delays and inefficiencies in the interconnection process. For instance, we have advanced firmware and software controls to dispatch resources in accordance with operating assumptions (*e.g.*, done today with 100% onsite generation charging of storage, or with inverter controls logic to limit or not allow for exports without physical relays). Despite these technological advancements, transmission providers continue using historical planning standards that typically do not consider the capability of these innovative technologies which can provide much needed additional capacity to the grid.

Above all, CESA applauds the Commission for their operating assumptions proposal and encourages them to adopt it in their Final Rules to significantly improve the interconnection process.

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<sup>25</sup> SEIA at 40.

<sup>26</sup> SDG&E at 7.

<sup>27</sup> *Id.*

**F. Proposals to prioritize and favor certain projects and interconnection customers must be rejected as violating the Commission’s long-standing policies on open access and non-discriminatory interconnection procedures.**

The Colorado Public Utilities Commission (“CoPUC”) submitted comments advocating for an unduly discriminatory policy change that goes well beyond what the Commission contemplated in the NOPR. Specifically, the CoPUC argues that the Commission should “*prioritize* generation projects that are selected under conditions of scarcity and through competitive solicitation processes serving native load customers as overseen by state regulators or other neutral third parties.”<sup>28</sup> The CoPUC is particularly concerned regarding RTO interconnection policies given that the state recently adopted a requirement that its utilities join an RTO, and that doing so would not allow its utilities to maintain some form of interconnection queue priority.<sup>29</sup> “The problem,” according to the Colorado PUC, “appears to be more about rationing access to a resource made increasingly scarce through increased renewable product demand, not solely improving queue management process.”<sup>30</sup>

CESA has major concerns with the CoPUC’s views on prioritizing interconnection capacity in this manner that favors specific interconnection customers in accessing transmission capacity – a clear conflict with the Federal Power Act (“FPA”), as well as the Commission’s policies on open access and nondiscriminatory interconnection procedures.

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<sup>28</sup> CoPUC comments at 3 (emphasis added); *see also id.* at 27 (asking the Commission “to prioritize projects that directly provide economic and reliability benefits to load-serving entities and native load customers so that these higher value projects are not crowded out as interconnection access becomes increasingly scarce”).

<sup>29</sup> *Id.* at 6 (“If Colorado’s utilities were to join an existing RTO structure and transfer control of our interconnection process over to that RTO and its associated regional management of the Colorado interconnection queue, we are concerned that interconnection queue issues would pose a significant obstacle to timely adoption of new clean energy and other resources.”).

<sup>30</sup> *Id.* at 14.

Even as a state utility commission, the FPA does not grant any entity the right to select which interconnection customers plan to make the “best” use of the transmission system, and therefore are entitled to lower Network Upgrade costs. Yet, the CoPUC goes further in allowing its load-serving entities to develop new generating resources and then select affiliate-owned projects to receive such preferences.<sup>31</sup> Standardized interconnection processes must be just and reasonable and not unduly discriminatory pursuant to Order No. 2003 – a goal that was also explicitly affirmed in the NOPR.<sup>32</sup> In fact, the Commission rejected attempts by Public Service Company of Colorado (“PSCo”) in 2004 that “appear[ed] to call for studying projects submitted as part of the state process to jump ahead in the queue, ahead of other projects whose Interconnection Requests were filed first.”<sup>33</sup>

Furthermore, allowing a state or load serving entity to decide which types of interconnection requests will access available RTO transmission capacity may impede transmission planning goals. A major benefit to joining an RTO comes from its expanded ability to engage in intra- and inter-regional transmission planning that creates larger efficiencies and reduces the risk of discriminatory decision-making than available through individual, non-independent investor-owned utilities. All types of interconnection customers benefit – from projects selected through utility resource solicitations, to merchant resources, to renewable energy projects financed through virtual power purchase agreements or offtake agreements with commercial and industrial consumers. Such RTO-led transmission planning processes, focusing on both short- and long-term needs, can

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<sup>31</sup> *Id.* at 19 (“Indeed, over time, most of the new generation in Colorado has been sourced through third-party developers, although that paradigm has been changing in recent years, and is likely to become more balanced in the future.”).

<sup>32</sup> NOPR at P 1.

<sup>33</sup> *Xcel Energy Operating Cos.*, 106 FERC ¶ 61,260, at P 22, *order on reh’g*, 109 FERC ¶ 61,072 (2004).

identify the most efficient uses of available transmission capacity to identify the most effective expansion proposals. This approach ultimately provides value to ratepayers and customers, especially given the opportunity for all grid users to provide input as RTO members through the stakeholder process. Ultimately, the Commission's transmission (and interconnection) policies aim to provide open access for all users, not to convert proposals designed to improve interconnection process efficiency into mechanisms that grant load serving entities the power to grant access to transmission capacity based on a project's ultimate purpose.

Although Colorado is not currently served by an RTO, in 2021, the Colorado General Assembly passed legislation that requires all transmission utilities (except for municipally owned utilities and power authorities) to join a Commission-approved regional transmission organization or independent system operator by January 1, 2030.<sup>34</sup> However, a state should not be allowed to convert an RTO's non-discriminatory interconnection process into a vehicle for allocated available transmission capacity to projects it – or the state's investor-owned utilities – select to meet its policies needs at the expense of discriminatory impacts on other queue positions.

## **II. CONCLUSION**

CESA appreciates the Commission's considerations of these reply comments and looks forward to working with the Commission and other stakeholders on this matter.

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<sup>34</sup> C.R.S. § 40-5-108(2)(a)(1). The statute provides the Colorado PUC the authority to grant a waiver request by transmission utility after satisfying specified criteria.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jin Noh', written in a cursive style.

Jin Noh  
Policy Director  
**CALIFORNIA ENERGY STORAGE ALLIANCE**

December 14, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of *Reply Comments of the California Energy Storage Alliance on the Notice of Proposed Rulemaking* on the official service list in the proceeding RM22-14, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure.

Executed on December 14, 2022 at Sacramento, California



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