

175 FERC ¶ 61,224
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Richard Glick, Chairman;
James P. Danly, Allison Clements,
and Mark C. Christie.

Joint Federal-State Task Force on Electric Transmission Docket No. AD21-15-000

ORDER ESTABLISHING TASK FORCE AND SOLICITING NOMINATIONS

(Issued June 17, 2021)

■ Section 209(b) of the Federal Power Act (FPA) authorizes the Federal Energy Regulatory Commission (the Commission or FERC) to confer with state commissions “regarding the relationship between rate structures, costs, accounts, charges, practices, classifications, and regulations of public utilities subject to the jurisdiction” of such state commissions and FERC, including through joint hearings.¹ Pursuant to that authority, in this order, we establish a Joint Federal-State Task Force on Electric Transmission (Task Force); solicit nominations for state commission representation on the Task Force; set forth preliminary details of the Task Force; and identify topics for the Task Force to consider.

I. Task Force

■ Pursuant to section 209(b) of the FPA, we hereby establish the Task Force to conduct joint hearings on the transmission-related topics outlined below. Developing new transmission infrastructure implicates a host of different issues, including how to plan and pay for these facilities. Federal and state regulators each have authority over transmission-related issues, meaning that transmission developers must successfully navigate different federal and state regulatory processes. In addition, the development of new transmission infrastructure often affects numerous different priorities of federal and state regulators (e.g., reliability, customer protection, environmental considerations). As a result, the area is ripe for greater federal-state coordination and cooperation. We

¹ 16 U.S.C. § 824h(b).

believe that a formal structure to jointly explore transmission-related issues is important in order to secure the benefits that transmission can provide and is in the public interest.²

■ The Task Force will be comprised of all FERC Commissioners as well as representatives from 10 state commissions. State commission representatives will serve one-year terms from the date of appointment by FERC and in no event will serve on the Task Force for more than three consecutive terms. State commission representatives will sit in an advisory capacity. We request that the National Association of Regulatory Utility Commissioners (NARUC) submit nominations to the Commission, in this docket, for the 10 state commission representatives no later than 30 days from the date of this order. We further request that two state commission representatives originate from each NARUC region,³ recognizing that transmission-related issues may be viewed differently not only within, but also among different parts of the country. Although we solicit 10 nominations for state commission representatives on the Task Force, all state commissions will be invited to suggest agenda topics for public meetings of the Task Force and to submit comments before and after on the topics being discussed at such meetings. In addition, in the future, the Task Force may convene regional meetings with opportunity for participation by all state commissions in the region. Staff from FERC, NARUC, and the state commissions of state commission representatives will be appointed to support the work of the Task Force.

■ The Task Force will convene for multiple formal meetings annually, with FERC issuing orders fixing the time and place and agenda for each meeting, after consulting with all Task Force members and considering suggestions from state commissions. Meetings will be open to the public for listening and observing and on the record. We expect the initial public meeting of the Task Force to be held during the Fall 2021. The Task Force will expire three years after the first public meeting but may be extended for an additional period of time prior to its expiration by agreement of both FERC and NARUC.

■ The Task Force has the authority to examine the issues identified below, including soliciting oral and written input from interested parties. The Task Force may make

² See 18 C.F.R. § 385.1301(b) (2020) (suggesting FERC or any state commission “will freely suggest cooperation with respect to any proceeding or matter affecting any public utility . . . subject to the jurisdiction of the Commission and of a State commission, and concerning which it is believed that cooperation will be in the public interest”); see also *id.* § 385.1305(c) (stating that FERC or any state commission “should feel free to suggest or request a joint . . . hearing at any time”).

³ See Nat’l Ass’n of Regul. Util. Comm’rs, <https://www.naruc.org/meetings-and-events/regionals/> (last visited June 2, 2021) (identifying five regional associations).

recommendations to FERC on potential modifications to FERC's regulations, present recommendations at a monthly FERC open meeting, and develop a record to be incorporated into FERC and/or state commission proceedings.

II. Issue Statement

■ The Task Force will focus on topics related to efficiently and fairly planning and paying for transmission, including transmission to facilitate generator interconnection, that provides benefits from a federal and state perspective. Topics that the Task Force may consider include the following:

- Identifying barriers that inhibit planning and development of optimal transmission necessary to achieve federal and state policy goals, as well as potential solutions to those barriers;
- Exploring potential bases for one or more states to use FERC-jurisdictional transmission planning processes to advance their policy goals, including multi-state goals;
- Exploring opportunities for states to voluntarily coordinate in order to identify, plan, and develop regional transmission solutions;
- Reviewing FERC rules and regulations regarding planning and cost allocation of transmission projects and potentially identifying recommendations for reforms;
- Examining barriers to the efficient and expeditious interconnection of new resources through the FERC-jurisdictional interconnection processes, as well as potential solutions to those barriers; and
- Discussing mechanisms to ensure that transmission investment is cost effective, including approaches to enhance transparency and improve oversight of transmission investment including, potentially, through enhanced federal-state coordination.

III. Next Steps

■ After receiving nominations from NARUC, due within 30 days of the date of this order, for the 10 state commission representatives, we will issue a subsequent order, listing members of the Task Force and their roles and fixing the time and place for the first public meeting. At least two weeks prior to the first public meeting, we will issue an order with an agenda, developed in collaboration with Task Force members and in consideration of suggestions from state commissions.

By the Commission. Commissioner Chatterjee is not participating.

(S E A L)

Kimberly D. Bose,
Secretary.