

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

**ISO New England Inc.**

)

**Docket No. ER24-1290-000**

**MOTION FOR LEAVE TO FILE ANSWER  
AND ANSWER OF ISO NEW ENGLAND INC.**

Pursuant to Rules 101(e), 212, and 213 of the Rules of Practice and Procedure<sup>1</sup> of the Federal Energy Regulatory Commission (“Commission” or “FERC”),<sup>2</sup> ISO New England Inc. (the “ISO”) hereby submits its *Motion for Leave to File Answer and Answer* (“Answer”) to filings submitted by several individuals in the above-captioned docket,<sup>3</sup> in which the ISO submitted the Forward Capacity Auction (“FCA”) Results Filing for FCA 18 (“FCA 18 Results Filing”).<sup>4</sup>

As explained below, the protests submitted in response to the FCA 18 Results Filing are outside the scope of this proceeding. The ISO ran FCA 18 in accordance with its Tariff and, accordingly, the Commission should accept the results of FCA 18 as just and reasonable.

**I. MOTION FOR LEAVE TO FILE ANSWER**

In this Answer, the ISO replies to the comments filed in response to the FCA 18 Results Filing, which the ISO submitted to the Commission on February 24, 2024. The letters submitted by several individuals and groups in this proceeding include protests. While the Commission’s Rules of Practice and Procedure allow parties to respond to comments,<sup>5</sup> as a general matter, the Commission’s rules prohibit responses to protests.<sup>6</sup> The Commission has the authority to waive

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<sup>1</sup> See 18 C.F.R. §§ 385.101 (e), 385.212, and 385.213 (2021).

<sup>2</sup> Capitalized terms used but not defined in this Answer have the meaning ascribed to them in the ISO New England Transmission, Markets, and Services Tariff (the “Tariff”).

<sup>3</sup> See Attachment A – List of Individuals who Submitted Letters to the Federal Energy Regulatory Commission in Docket No. ER24-1290-000.

<sup>4</sup> See *ISO New England Inc.*, Forward Capacity Auction Results Filing; Docket No. ER24-1290-000.

<sup>5</sup> See 18 C.F.R. § 385.213(a) (3) (2021).

<sup>6</sup> *Id.* at § 385.213(a) (2).

that prohibition for good cause.<sup>7</sup> The Commission has found good cause to permit replies where they are otherwise prohibited in various circumstances, including where the answer would assure a complete record in the proceeding,<sup>8</sup> provide information helpful to the disposition of an issue,<sup>9</sup> permit the issues to be narrowed or clarified,<sup>10</sup> or aid the Commission in understanding and resolving issues.<sup>11</sup> The ISO believes that this Answer will clarify the issues, assure a more complete record in this proceeding, and otherwise assist the Commission in understanding and resolving the issues raised in the FCA 18 Results Filing proceeding. For these reasons, the ISO respectfully requests that the Commission grant the ISO's motion to provide the following Answer.

## **II. ANSWER**

### **A. THE PROTESTS FROM THE INDIVIDUALS AND GROUPS LISTED IN ATTACHMENT A ARE OUTSIDE THE SCOPE OF THIS PROCEEDING**

In the results filing proceeding, the ISO has to demonstrate that it followed its Commission-approved Tariff when it conducted the FCA. The Commission has also made it abundantly clear that challenges to the FCM market design are outside the scope of the results filing proceeding and, as such, the Commission will not address them when evaluating the results of the FCA.<sup>12</sup>

The individuals and groups listed in Attachment A to this Answer submitted comments protesting the results of FCA 18. These individuals/groups expressed concerns regarding, among other things, climate change and fossil fuels. Some of these individuals/groups also requested

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<sup>7</sup> *Id.* at § 385.101(e).

<sup>8</sup> *See, e.g., Pacific Interstate Transmission Co.*, 85 FERC ¶ 61,378 at 62,444 (1998), *reh'g denied*, 89 FERC ¶ 61,246 (1999).

<sup>9</sup> *See, e.g., CNG Transmission Corp.*, 89 FERC ¶ 61,100 at 61,287 n.11 (1999).

<sup>10</sup> *See, e.g., PJM Interconnection, L.L.C.*, 84 FERC ¶ 61,224 at 62,078 (1998); *New Energy Ventures, Inc. v. Southern California Edison Co.*, 82 FERC ¶ 61,335 at 62,323 n.1 (1998).

<sup>11</sup> *See, e.g., Tennessee Gas Pipeline Co.*, 92 FERC ¶ 61,009 at 61,016 (2000).

<sup>12</sup> *See e.g., ISO New England Inc.*, 130 FERC ¶ 61,145 at P 33 (2010).

abolishment the Forward Capacity Market. The arguments made in these filings are unrelated to whether the ISO followed its Tariff when it conducted FCA 18. Accordingly, the Commission should reject these comments as they are outside the scope of this proceeding.

### **III. CONCLUSION**

For the foregoing reasons, the ISO respectfully requests that the Commission deny the requests of the individuals and groups identified in Attachment A to this Answer, and accept the ISO's FCA 18 Results Filing as submitted by the ISO.

Respectfully submitted,

By: /s/ Margo R. Caley  
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Counsel for ISO New England Inc.

Dated: May 7, 2024

## **CERTIFICATE OF SERVICE**

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

Dated at Holyoke, Massachusetts this 7th day of May 2024.

/s/ Linda Morrison  
Linda Morrison  
Docket Administrator  
ISO New England Inc.  
One Sullivan Road  
Holyoke, MA 01040  
(413) 540-4218

## ATTACHMENT A

### LIST OF COMMENTORS ON FCA 18 RESULTS –DOCKET NO. ER24-1290

Ellanora Lerner  
Susan L. Durling  
Linda M. Walsh  
Montserrat Archbald  
Robert Feder  
Jack Hason  
Sonja K. Birthisel  
198 Methods  
Kendra L. Ford  
Regina A. Spector  
Paul Shorb  
Nathan G. Phillips  
Susan L. Durling  
Steven Botkin  
James C. Mulloy  
Rebecca Beaulieu  
Lucy Lee  
Siobhan Senier  
Leif Taranta  
Isaac B. Petersen  
Nastasia Lawton-Sticklor  
Olivia Chatfield  
Rose M. Shuker-Haines  
No Coal No Gas Campaign  
Julie C. Macuga  
David M. Hughes  
Regine Spector  
Healthlink  
Sabine von Mering  
Amended Comments Maria J. Marcum for No Coal No Gas  
Mary Raven