

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Eversource Energy Service Co., et al.,)	
)	
Petitioners,)	
)	
v.)	Nos. 23-1167; 23-1169;
)	23-1170
Federal Energy Regulatory Commission,)	
)	
Respondent.)	

**MOTION FOR LEAVE TO INTERVENE OF
ISO NEW ENGLAND INC.**

ISO New England Inc. (the “ISO”), pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure and Rule 15(b) of the Circuit Rules of this Court, hereby moves for leave to intervene in the above-captioned review proceedings.

On June 30, 2023, Eversource Energy Service Company, on behalf of The Connecticut Light and Power Co., Public Service Company of New Hampshire, and NSTAR Electric Co. in No. 23-1167; Massachusetts Electric Co., Nantucket Electric Co., and New England Power Co., all d/b/a National Grid in No. 23-1169; and Central Maine Power Co. and The United Illuminating Co. in No. 23-1170, filed a petition for review of the following order and notice issued by Respondent Federal Energy Regulatory Commission (“FERC”):

- (1) *ISO New England Inc.*, Order on Compliance Filing, Docket Nos. ER22-983-000, -001, 182 FERC ¶ 61,137 (Mar. 1, 2023) (“March 2023 Order”); and

- (2) *ISO New England Inc.*, Notice of Denial of Rehearing by Operation of Law and Providing for Further Consideration, Docket No. ER22-983-002, 183 FERC ¶ 62,050 (May 1, 2023).

In the underlying proceeding, the ISO, joined by the New England Power Pool Participants Committee and the Participating Transmission Owners (“PTOs”) Administrative Committee on behalf of the New England PTOs, filed revisions to the ISO’s Transmission, Markets, and Services Tariff with FERC, which FERC, in the March 2023 Order, found partially complied with its requirements for distributed energy resource aggregations set forth in FERC Order No. 2222.¹

As the entity that initiated the administrative proceeding which led to the order and notice that are the subject of the petitions for review before this Court, and as the administrator of New England’s wholesale electricity markets, the ISO has a direct and substantial interest in the Court’s review of the challenged order and notice. Such interest cannot be adequately represented by any other party. While the ISO is petitioner in No. 23-1168, which is currently consolidated with the above-captioned cases, the ISO seeks to preserve its ability to participate in these proceedings should a subsequent order from FERC addressing arguments raised on rehearing render the ISO’s current petition unnecessary. Accordingly, the ISO requests leave to intervene in this review proceeding.

¹ *Participation of Distributed Energy Resource Aggregations in Markets Operated by Regional Transmission Organizations and Independent System Operators*, Order No. 2222, 172 FERC ¶ 61,247 (2020), *order on reh’g*, Order No. 2222-A, 174 FERC ¶ 61,197, *order on reh’g*, Order No. 2222-B, 175 FERC ¶ 61,227 (2021).

Monica Gonzalez
Assistant General Counsel –
Operations and Planning
Graham Jesmer
Regulatory Counsel
ISO New England Inc.
One Sullivan Road
Holyoke, MA 01040
(413) 535-4178
mgonzalez@iso-ne.com
gjesmer@iso-ne.com

Respectfully submitted,

/s/ Andrew T. Swers

Andrew T. Swers
Abraham F. Johns III
Wright & Talisman, P.C.
1200 G Street, N.W., Suite 600
Washington, D.C. 20005-3898
(202) 393-1200
swers@wrightlaw.com
johns@wrightlaw.com

Counsel for ISO New England Inc.

Dated: July 31, 2023

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Eversource Energy Service Co., et al.,)	
)	
Petitioners,)	
)	
v.)	Nos. 23-1167; 23-1169;
)	23-1170
Federal Energy Regulatory Commission,)	
)	
Respondent.)	

**CORPORATE DISCLOSURE STATEMENT OF
ISO NEW ENGLAND INC.**

ISO New England Inc. (the “ISO”) is filing this Corporate Disclosure Statement in compliance with Rule 26.1 of the Federal Rules of Appellate Procedure and Rule 26.1 of the Circuit Rules of the United States Court of Appeals for the District of Columbia Circuit. The ISO is a private, not-for-profit corporation organized under the laws of the State of Delaware that is responsible for operation of New England’s bulk power system. The New England region controlled by the ISO encompasses Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Circuit Rule 26.1(b) requires a statement that identifies the represented entity’s general nature and purpose, insofar as is relevant to the Petition for Review in this proceeding. As is relevant here, the ISO is authorized by Respondent Federal Energy Regulatory Commission (“FERC”) to administer a

Transmission, Markets, and Services Tariff (“Tariff”), provide transmission service under the Tariff on the electric transmission facilities under the ISO’s control, operate energy, capacity, and ancillary services markets, and otherwise conduct the day-to-day operations of the bulk power system of a multi-state electric control area. In 1998, FERC approved formation of the ISO as an independent system operator. *See New England Power Pool*, 83 FERC ¶ 61,045, at 61,264 (1998). The ISO is the independent administrator of the Tariff that is at issue in this appeal and submitted the Tariff revisions that are the subject of the challenged order and notice.

The ISO has no corporate parents. The ISO does not issue stock; therefore, no publicly held corporation owns 10% or more of its stock.

Respectfully submitted,

/s/ Andrew T. Swers

Andrew T. Swers
Wright & Talisman, P.C.
1200 G Street, N.W., Suite 600
Washington, D.C. 20005-3898
(202) 393-1200
swers@wrightlaw.com

***Counsel for
ISO New England Inc.***

Dated: July 31, 2023

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Eversource Energy Service Co., et al.,)	
)	
Petitioners,)	
)	
v.)	Nos. 23-1167; 23-1169;
)	23-1170
Federal Energy Regulatory Commission,)	
)	
Respondent.)	

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Appellate procedure, I hereby certify that I have this 31st day of July 2023, served the foregoing Motion for Leave to Intervene and Corporate Disclosure Statement of ISO New England Inc. via the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

Respectfully submitted,

/s/ Andrew T. Swers
Andrew T. Swers
Wright & Talisman, P.C.
1200 G Street, N.W., Suite 600
Washington, D.C. 20005-3898
(202) 393-1200
swers@wrightlaw.com

***Counsel for
ISO New England Inc.***