

**REGULATORY UPDATE FOR JANUARY 30, 2024  
(WEEK OF JANUARY 22, 2024)**

**CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC OR COMMISSION)**

New Proposed Decisions and Draft Resolutions<sup>1</sup>

Application (A.) 21-09-018 (PG&E Gas Cost Allocation and Rate Design). This decision approves Pacific Gas and Electric Company's (PG&E) 2023 to 2026 gas transmission, storage cost allocation, and rate design proposals incorporating the gas revenue requirements and capacity forecasts from PG&E's 2023 general rate case proceeding. This decision also grants PG&E's Motion for Adoption of the All-Party Settlement Agreement and Stipulation and adopts it without modification.

Rulemaking (R.) 11-05-005 (Implementation and Administration of California Renewables Portfolio Standard Program). This decision denies the November 16, 2021, petition to modify Decision (D.) 14-12-081 and D.20-08-043, filed by the Bioenergy Association of California, California Association of Sanitation Agencies, and the Rural County Representatives of California on procedural grounds. The petition sought to remove utility-specific megawatt allocations within each Bioenergy Market Adjusting Tariff (BioMAT) feedstock category; allow smaller investor-owned utilities to participate in the BioMAT program; and extend the BioMAT program end date adopted in D.20-08-043. The Commission found that the petition fails to meet the requirements of Rule 16.4 of the Commission's Rules of Practice and Procedure because these modifications could have been sought within one year of the issuance of D.14-12-081. Furthermore, the portion of the petition which requests to modify D.20-08-043 does not comply with the requirements of Rule 16.4 as it was not filed in Rulemaking 18-07-003, the proceeding in which D.20-08-043, one of the decisions proposed to be modified, was issued. T

Resolution (Res) SPD-15 (Senate Bill (SB) 884 Program). This resolution establishes a program and program guidelines for expediting the undergrounding of the distribution equipment of large electrical corporations pursuant to SB 884 (McGuire; Stats. 2022, Ch. 819). The program consists of up to three phases. In Phase 1, a large electrical corporation will submit a 10-year undergrounding plan (Plan) to the Office of Energy Infrastructure Safety for review. In Phase 2, the large electrical corporation will submit an application to the Commission requesting review and conditional approval of the Plan's costs (Application). In Phase 3, the large electrical corporation will implement its Plan in accordance with this resolution, the Commission's decision on the electrical corporation's Phase 2 application, and any other Commission decision on an Application submitted pursuant to the SB 884 Program.

---

<sup>1</sup> Per CPUC's Rules of Practice and Procedure Rule 14.3, comments on proposed decisions are due 20 days after issuance of the proposed decision, and reply comments are due five days thereafter. Comments on draft resolutions are due 20 days after the draft resolution appears in CPUC's daily calendar, per Rule 14.5.

R.21-10-002 (Resource Adequacy Program). This decision denies the petition for modification of D.23-06-029, filed by the California Large Energy Consumers Association. That decision clarified that the California Independent System Operator (CAISO) should be allowed to use Reliability Demand Response Resources as a Resource Adequacy resource for economic or exceptional dispatch upon the declaration of a day-of Energy Emergency Alert (EEA) Watch, or when a day-ahead EEA Watch persists in the day-of timeframe. CLECA seeks to modify D.23-06-029 in the following ways: (1) allow economic dispatch for a day-of EEA Watch but only allow exceptional dispatch of RDRR immediately prior to canvassing other balancing authorities, which occurs during EEA 2 conditions (Exceptional dispatch of RDRR need not result in CAISO entering EEA 2); (2) defer the above modification until the Federal Energy Regulatory Commission (FERC) approves CAISO's tariff changes to allow inclusion of start-up costs for RDRR resources and minimum run times of at least three hours; (3) allow Base Interruptible Program (BIP) participants to opt out or change firm service level immediately; and (4) remove the elimination of the transmission load factor (TLF) and planning reserve margin (PRM) adder from BIP incentives in 2024 and defer treatment of the adders and incorporate development into a comprehensive distributed energy resources (DER) policy in Rulemaking 22-11-013. The Commission denied the petition on the ground that there was insufficient basis to warrant modification of D.23-06-029. R.21-10-002 is closed.

#### Voting Meetings

The CPUC held a voting meeting in Sacramento, California on January 25, 2024 at 11:00 a.m. PT. The following are results for energy-related items on the agenda:

Item 2. Res SPD-15 (Proposal for SB 884 Program). This resolution adopts the Commission's Staff Proposal for the SB 884 Program which implements the SB 884 Program pursuant to Public Utilities Code § 8388.5. The Staff Proposal for the SB 884 Program addresses the process and requirements for the Commission's review of any large electrical corporation's 10-year distribution infrastructure undergrounding plan and conditional approval of its related costs. This resolution establishes a program and guidelines for expediting the undergrounding of the distribution equipment of large electrical corporations. **Held to March 7, 2024.**

Item 5. R.22-07-005 (Order Instituting Rulemaking to Advance Demand Flexibility Through Electric Rates). This decision directs PG&E and SCE to expand the demand flexibility pilots authorized in D.21-12-015 to provide summer reliability benefits. The expanded demand flexibility pilots are authorized to provide system reliability benefits between June 1, 2024 and December 31, 2027. The decision directs PG&E to expand the Valley Clean Energy Alliance agricultural pumping dynamic rate pilot to, among other requirements, remove the five-megawatt cap on enrollment and meet a combined enrollment target of 100 megawatts of load shifting. The decision directs SCE to expand its dynamic rate pilot for residential, commercial, and industrial customers by, among other requirements, partnering with community choice aggregators to enroll customers in the pilot program and meeting an enrollment target of 50 megawatts of load shifting with no cap on enrollment. **Signed, D.24-01-032.**

Item 7. R.11-05-005 (Order Instituting Rulemaking to Continue Implementation and Administration of California Renewables Portfolio Standard Program). This decision denies the

October 4, 2017 petition to modify D.14-12-081, Decision Implementing Senate Bill 1122, filed by the Bioenergy Association of California (BAC). BAC requested modification of D.14-12-081 to remove or extend the BioMAT program end date to 2025 and to add measures to expedite interconnection for BioMAT projects. The decision finds that these matters in addition to the other programmatic changes have been addressed in D.20-08-043 issued in R.18-07-003. **Signed, D.24-01-033.**

Item 11. A.23-01-004 (Application of Southern California Gas Company (SoCalGas) to Establish Gas Demand Response Pilot Programs). This decision denies SoCalGas's application seeking approval of the proposed gas demand response pilot programs and recovery of the costs associated with their proposed implementation for the years 2023-2025. The decision finds that SoCalGas failed to comply with D.20-02-023 because it did not file a new application within 60 days of the workshop, because the application for \$12.5 million in ratepayer matching funds would not be in the interest of ratepayers, and because the application failed to address alternatives that could be more effective in addressing the natural gas curtailments and reliability issues. **Signed, D.24-01-036.**

Item 12. Res ALJ-451 (Appeal of Orange County Power Authority of Citation No. E-4195-0134). This resolution resolves the appeal of Citation No. E-4195-0134 issued to Orange County Power Authority (OCPA) by the Commission's Consumer Protection and Enforcement Division. The citation was issued on April 24, 2023, regarding OCPA's 2023 Year Ahead Resource Adequacy Compliance filing. The citation assessed a fine in the amount of \$147,408. The decision grants OCPA's request to withdraw its appeal and directs OCPA to pay the assessed fine. **Approved.**

Item 21. R.24-01-017 (Order Instituting Rulemaking to Continue Implementation and Administration, and Consider Further Development, of California Renewables Portfolio Standard Program). This rulemaking continues implementation and administration of the California Renewables Portfolio Standard (RPS) program. As a successor docket to R.18-07-003, this proceeding addresses ongoing oversight of the RPS program. This oversight includes reviewing RPS procurement plans submitted by retail sellers; providing tools for analysis of and reporting on progress of retail sellers and the RPS program as a whole; assessing retail sellers' compliance with their RPS obligations; and integrating new legislative mandates and administrative requirements into the RPS program. This rulemaking also provides a forum for possible further development of the RPS program: (1) through exercise of the Commission's authority under Assembly Bill 327 to increase the percentage of RPS-eligible electricity sold to retail end-user customers; (2) through examination of the relationship of the RPS program to other state mandates that include the electricity sector (e.g., reduction in emission of greenhouse gases); and (3) through coordination with other proceedings and initiatives of the Commission. R.18-07-003 remains open only to consider filings related to the retail sellers' final 2023 RPS Procurement Plans. **Signed, R.24-01-017.**

Item 44. Res SED-8 (Enforcement Division and PG&E Administrative Consent Order Regarding the 2021 Dixie Fire). In this resolution, the Commission approved an Administrative Consent Order and Agreement between the Commission's Safety and Enforcement Division and PG&E to resolve all issues involving the 2021 Dixie Fire. PG&E agrees to a \$45 million

penalty, consisting of a \$2.5 million fine to the General Fund of the State of California, a \$2.5 million payment to tribes impacted by the Dixie Fire for remediations of the impacts of the Dixie Fire on tribal lands, and \$40 million in shareholder funding for capital expenditures for the initiative to transition from hard copy records to electronic records for distribution patrols and inspections. This resolution includes an analysis of the Penalty Assessment Methodology.  
**Approved.**

### Upcoming Meetings and Workshops

*Energization Workshop.* On Friday, February 2, 2024, Energy Division staff will host a public workshop to discuss issues related to energization timelines established under Assembly Bill 50 (Woods, 2023) and Senate Bill 410 (Becker, 2023). There will be an opportunity for public input. Further information including a detailed meeting agenda and login details will be served on the following service lists in advance of the workshop: R.17-07-007, R.18-12-006, R.21-06-017, R.22-07-005, and R.23-12-008.

*2024 Future Grid Study Workshop Series.* Through this workshop series, Gridworks, a contractor supporting the Commission, will facilitate conversations between utilities, stakeholders, and the CPUC on how to ensure installed additional Distributed Energy Resources (DERs) provide maximum value to the grid through effective distribution system operations. This three-part series will identify operational needs, assess gaps, and develop recommendations to address gaps, and is an opportunity for parties to collaborate to modernize the electric grid for a high DER future. Each workshop in the series will build upon the previous workshop, assisting parties to develop their input on the rulemaking. Workshop #1: Identifying Operational Needs will be held virtually on February 8, 2024, from 1:00 p.m. to 5 p.m.

## **CALIFORNIA INDEPENDENT SYSTEM OPERATOR (CAISO)**

### Stakeholder Initiatives: Upcoming Meetings and Deadlines

**2024-2025 Interregional Transmission.** CAISO announced the 2024-2025 submission period is open through March 31, 2024, for stakeholders to submit interregional transmission project proposals into the annual transmission planning process that could potentially replace or defer a regional solution that is in the ISO transmission plan. These proposals will be considered in the 2024-2025 transmission planning cycle. Further information is available [here](#).

**Transmission Development Forum.** CAISO, in conjunction with the CPUC and the participating transmission owners, will hold a public stakeholder call on January 31, 2024, to provide status updates on the transmission planning process and network upgrades identified in the generation interconnection process. Further information is available [here](#).

**2025 and 2029 Local Capacity Technical Study.** CAISO has posted the draft base cases for use in the 2025 and 2029 Local Capacity Technical Studies for stakeholder review and comment. Comments are due by February 1, 2024. Further information and a link to the draft cases are available [here](#).

**Western Energy Imbalance Market Regional Issues Forum (RIF).** RIF is seeking candidates to fill two Independent Power Producers and Marketers sector liaison rolls on the RIF. Candidates for the liaison positions are selected in accordance with the RIF Operating Guidelines. Statements of interest are due February 8, 2024. Further information, including the selection guidelines, is available [here](#).

**Generator Interconnection Affidavits for Allocating and Retaining Transmission Plan Deliverability.** CAISO announced that generator interconnection customers must submit Transmission Plan (TP) Deliverability documents to CAISO to be eligible to receive or retain deliverability allocations in the TP Deliverability allocation process by February 14, 2024. This notice applies to all active generation interconnection projects that are eligible to seek an allocation or want to retain an allocation from a prior allocation cycle. Further information is available [here](#).

**Interconnection Process Enhancements 2023.** CAISO will host a hybrid stakeholder meeting on February 15, 2024, to discuss the Interconnection Process Enhancements 2023 track 2 draft final proposal. In-person attendance registration is due on February 12, 2024. Written comments on the draft final proposal are due February 29, 2024. Further information is available [here](#).

## **CALIFORNIA ENERGY COMMISSION (CEC)**

### Offshore Wind

On January 19, 2024, the CEC published a [Notice of Availability](#) regarding the release of the draft Assembly Bill 525 Strategic Plan for Offshore Wind Development. Volumes I-III of the Plan are linked in the [Notice of Availability](#) and are also available [here](#). According to the [Notice of Availability](#), comments are due by 5:00 p.m. on March 22, 2024. The CEC plans on hosting a workshop to provide information and receive feedback on the draft AB 525 Strategic Plan, to be determined at a future date.

### Energy Storage Permitting

On November 15, 2023, the CEC hosted a [workshop](#) for the Center for Sustainable Energy, to introduce its [Draft Energy Storage Permitting Guidebook](#) (Guidebook) developed under Agreement EPC-19-026. According to the workshop [notice](#):

- Version 1 (November 2023) of the Guidebook draws upon stakeholder feedback on the deployment experiences and best practices identified during permitting and commissioning residential energy storage products with multiple deployments in California;
- In Q1 2024, the project team will publish an updated draft (version 2), incorporating public feedback where relevant;

- In addition to any informal interim updates to the Guidebook, the project team plans to publish an updated draft (version 3) in Q2 2024 that will include guidelines for emerging energy storage technologies based on public feedback and lessons learned from early adopter deployments; and
- In Q3 2024, a final version of the Guidebook (version 4) will be released.

#### Senate Bill 100 Land Use Workshop

The CEC will hold a hybrid [SB 100 Land Use Workshop](#) on February 1, 2024 at 9:30 a.m. According to the workshop notice:

The workshop will focus on approaches to incorporating environmental and land use implications of potential resource scenarios into the SB 100 analysis. There will be presentations by CEC, CPUC, and California Air Resources Board (CARB) covering land use considerations in energy resource and climate planning (AB 32 Scoping Plan), and proposed goals and approaches to evaluating land use in the 2025 SB 100 Report. Representatives from California Native American tribes will participate in a panel on considerations for cultural resources in energy planning.

Written comments may be submitted to the Docket Unit by 5:00 p.m. on February 15, 2024. A detailed meeting schedule will be posted at [Docket No. 23-SB-100](#) prior to the workshop.

#### Electric Program Investment Charge (EPIC) 2021-2025 Investment Plan

CEC staff hosted a workshop on December 13, 2023, to seek public comment on an anticipated research solicitation to help California achieve an environmentally sustainable clean energy transition. According to the workshop [notice](#), the anticipated research “solicitation proposes to monitor environmental and land use changes in response to solar expansion, assess wildlife risk from renewable energy generation and the built environment, and find mitigation solutions to these risks.”

The preliminary research topics for the forthcoming solicitation are tentatively grouped in five areas:

- Automated mapping of solar footprints and mapping areas suitable for agrivoltaics;
- Assessing, monitoring, or mitigating the environmental and biological resource impacts of clean energy deployments;
- Testing bird-friendly windows for decarbonized buildings;
- Identifying biologically appropriate exterior lighting; and
- Advancing a clean energy circular economy.

The [notice](#) indicates that staff will introduce their “initial ideas on the scope and focus of the proposed solicitation, planned for release in the second quarter of 2024.”

### Reliability Reserve Incentive Programs

CEC staff held a remote-access workshop on January 23, 2023 to discuss the Demand Side Grid Support (DSGS) Program and potential modifications to DSGS Program Guidelines, Second Edition. CEC staff has [extended](#) the comment deadline period for the DSGS Program and the DSGS Program Guidelines to 5:00 p.m. on Monday, February 5, 2024. For additional information please see [Docket No. 22-RENEW-01](#).

### CEC Business Meetings

The next business meeting will be held on February 14, 2024.

## **CALIFORNIA AIR RESOURCES BOARD (CARB)**

### Meetings, Workshops, and Notices

The California Environmental Protection Agency and CARB are holding a series of three webinars on January 31, 2024 and February 1, 2024 on the draft state [Priority Climate Action Plan](#), developed for the U.S. Environmental Protection Agency’s [Climate Pollution Reduction Grant Program](#). The January 31, 2024 webinar is specific to the Central Valley/San Joaquin region. The two webinar sessions on February 1, 2024 relate to northern California and southern California. More information and registration for the webinars are available [here](#). Comments may be submitted [here](#) on the draft Priority Climate Action Plan from February 1-11, 2024.

On February 2, 2024, CARB will host a [meeting](#) of the [Scientific Review Panel on Toxic Air Contaminants](#), which evaluates risk assessments of substances proposed for identification as toxic air contaminants by CARB, the California Office of Environmental Health Hazard Assessment, and the California Department of Pesticide Regulation. The agenda and registration for the meeting are available [here](#).

On February 8, 2024, CARB will host a public meeting of the [AB 32 Environmental Justice Advisory Committee](#). The agenda and registration for the meeting are available [here](#).

On February 8, 2024, CARB will hold a public workgroup meeting on staff proposals to implement CARB’s [Clean Mobility Investment](#) implementation, including fiscal year 2023-2024 investments in sustainable community-based transportation equity projects. Registration for the meeting and more information are available [here](#).

CARB’s next [Board meeting](#) will be held on February 22, 2024. The agenda will be available [here](#) 10 days prior to the meeting.

On March 21, 2024, CARB will hold a [hearing](#) on proposed [amendments](#) to the [California Low Carbon Fuel Standard](#).

On June 27, 2024, CARB will hold a [hearing](#) on the proposed [Zero-Emission Forklift Regulation](#).

#### Opportunities for Public Comment

CARB will accept comments on its draft state [Priority Climate Action Plan](#), for the U.S. Environmental Protection Agency's [Climate Pollution Reduction Grant Program](#), from February 1-11, 2024. Comments may be submitted [here](#).

CARB has posted the [2024 annual update](#) to the carbon intensities for the [Low Carbon Fuel Standard](#) look-up table pathways for (1) grid electricity used as a transportation fuel in California and (2) electricity supplied under the smart charging or smart electrolysis provision. Prior to certification of the updated pathway carbon intensity values, CARB is soliciting public comment until March 8, 2024. Comments may be submitted [here](#).

CARB has issued [draft amendments](#) to the [California Low Carbon Fuel Standard](#) for public comment. Comments may be submitted [here](#) until February 20, 2024, or at the public hearing on March 21, 2024.

CARB is accepting comments on the draft [Community Engagement Model](#), to help staff create and implement robust engagement plans, through April 3, 2024. Comments may be submitted [here](#).

#### **MINNESOTA PUBLIC UTILITIES COMMISSION (MPUC)**

On February 1, the MPUC will hold its regular agenda meeting, with agenda items including intervenor compensation and altering application of a simple-cycle CT. The agenda can be found [here](#).

There are also ongoing developments with respect to Minnesota's community solar garden programs. In early January, the Minnesota Department of Commerce (Commerce) shared new details about the state's Low and Moderate-income Accessible Community Solar Garden program (the Program) application process and requirements. Among other features, the Program emphasizes subscribing low- and moderate-income (LMI) households and public interest organizations and establishes new consumer protection requirements. Applications for the Program will be submitted and reviewed in batches – **starting February 1, 2024** – and new caps on project size and program size will apply.

The Program requires that specific percentages of energy generated from a project be subscribed to LMI households, and/or public interest subscribers, including schools, faith communities, and nonprofit organizations, or affordable housing providers. Subscriber Organizations can use the [ECO Guidance Regarding Definition of Low-Income Household](#) to determine the eligibility of subscribers or conduct an income check for households using a [look-up tool](#) that references HUD income levels by county.



To protect consumers, the Program prohibits Subscriber Organizations from engaging in certain activities with respect to residential subscribers. Commerce has posted a [Subscriber Information Disclosure Form Cover Sheet](#) that must be adapted by Subscriber Organizations and submitted along with their applications. Subscriber Organizations are also subject to new reporting requirements and must publish certain reports containing information regarding the project's operations.

Applications to participate in the Program will be submitted and reviewed in batches. Commerce will review applications in each batch first for completeness. If the batch of applications does not exceed the annual cap for each year and projects meet the eligibility requirements, projects may be approved as community solar gardens. The Program will have an annual cap of 100 megawatts for 2024. If the annual cap is exceeded during completeness review, Commerce will begin a second stage of review that considers the project's characteristics, including whether the project delivers the financial benefits of tax benefits and other incentives to subscribers and the local community and whether the project is located on a nongreenfield site.

This detailed project review will be subject to a scoring process. Subscriber Organizations can reference the [Prioritization Scoring Rubric](#) to help them analyze their projects' attributes and the projects' likelihood of success in moving through the application review. Once Commerce has conducted its review, project applications may be approved or added to the queue depending on the project's score. At the end of the Program year, the queue will be cleared. Any projects remaining in the queue will be required to submit a new application in the next Program year.

The first application window will open on February 1, 2024, and will close on February 21, 2024. Commerce has posted on its [website](#) resources addressing application requirements, frequently asked questions, and other helpful Program information for Subscriber Organizations.

### **FEDERAL ENERGY REGULATORY COMMISSION (FERC)**

On January 29, 2024, FERC issued an order, [186 FERC ¶ 61,076](#), accepting ISO New England Inc.'s (ISO-NE) revisions to section I.2.2 to Market Rule 1, and Appendix A to Market Rule 1 of its Transmission, Markets and Services Tariff to establish a jointly optimized day-ahead market for energy and ancillary services (DAM) and sunset the existing Forward Reserve Market (FRM), effective March 1, 2025. To terminate the existing FRM, ISO-NE notes that it will shorten the final Forward Reserve Procurement Period, which will now end on February 28, 2025.

The revised DAM combines the Day-Ahead Energy Market (DAEM) with a new Day-Ahead Ancillary Services Market (DAASM), which includes four new ancillary service products: Day-Ahead Ten-Minute Spinning Reserves, Day-Ahead Ten-Minute Non-Spinning Reserves, Day-Ahead Thirty-Minute Operating Reserves, and Day-Ahead Energy Imbalance Reserves. There are specific requirements imposed on eligibility to provide the new ancillary service products. Under the new structure, ISO-NE will use a two-component call option structure for awards in the DAASM. First, the resource will receive a credit for its DAASM

award, which will be determined based on the day-ahead clearing price and day-ahead award for the given product and hour of the Operating Day. Second, the resource is assessed a “close-out” charge based on the quantity of the award multiplied by the greater of (i) zero and (ii) the difference between the real-time hub price and the strike price set by ISO-NE. The demand quantities for each of the four DAASM products will be set by the operating reserve requirement for the product and the energy gap forecast.

On January 29, 2024, FERC issued a letter order, [186 FERC ¶ 61,068](#), accepting Southwest Power Pool, Inc.’s (SPP) proposed revisions to Attachment V and Appendices 3, 5, 15, and 16 to Attachment V in its Open Access Transmission Tariff<sup>2</sup> to update guidance and data requirements for interconnection request submissions proposed Tariff revisions, effective February 1, 2024. These revisions direct interconnection customers to submit interconnection requests electronically through SPP’s online portal and allow for electronic communications regarding interconnection studies. The revisions also update the information required to be submitted in an interconnection request, which is used in interconnection studies and model development.

On January 25, 2024, FERC issued an order, [186 FERC ¶ 61,065](#), granting New York Independent System Operator, Inc. (NYISO) waiver of requirements in Articles 30.3, 30.6, 30.7, and 30.10 of the NYISO Open Access Transmission Tariff that require the Developer to elect within a prescribed period of time, and NYISO to perform, feasibility and system impact studies or to withdraw the Developer’s project from the interconnection queue. The waiver is granted for the period between November 30, 2023, and the date of a further FERC order on NYISO’s partial compliance filing to Order No. 2023, which was filed in the same docket, ER24-342, as the waiver request. FERC made no findings as to the merits of NYISO’s partial compliance filing.

On January 24, 2024, ISO-NE’s revisions to the Forward Capacity Market qualification rules for Distributed Energy Capacity Resource were accepted via delegated letter order in [Docket No. ER24-484](#).

On January 19, 2024, FERC issued its order, [186 FERC ¶ 61,054](#), on the Midcontinent Independent System Operator (MISO) proposals to revise its Open Access Transmission, Energy and Operating Reserve Markets Tariff (OATT) filed in Docket Nos. ER24-340 and ER24-341. FERC accepted MISO’s proposal to increase milestone payments, adopt an automatic withdrawal penalty, revise certain withdrawal penalty provisions, and expand site control requirements for interconnection facilities, effective January 22, 2024. FERC rejected MISO’s

---

<sup>2</sup> Attachment V of the Tariff contains SPP’s Generator Interconnection Procedures (GIP). Appendices 3, 5, 15, and 16 to the GIP contain SPP’s *pro forma* Generator Interconnection Study Agreement, *pro forma* Interim Availability Interconnection System Impact Study Agreement, *pro forma* Surplus Interconnection Service Impact Study Agreement, and *pro forma* Surplus Interconnection Service Facilities Study Agreement, respectively.

proposal to implement a cap on the total megawatt value of interconnection requests that may be studied in a cluster.

On January 2, 2024, in [Docket No. ER24-339](#), FERC issued an order accepting a proposal by ISO-NE to revise the ISO-NE's Transmission, Markets and Services Tariff to delay the 19th Forward Capacity Auction, including all pre-auction and post-auction activities related thereto, by one calendar year. The revisions do not change the Capacity Commitment Period, which remains the June 1, 2028 through May 31, 2029 delivery year.

On December 20, 2023, FERC issued a long-awaited opinion in a proceeding that originated with the 2000/01 California Energy Crisis. In relevant part, the opinion, issued in [Docket No. EL02-60](#), reversed several conclusions reached by the Presiding Judge in an initial decision from 2016 that ran counter to the U.S. Supreme Court's 2008 decision in *Morgan Stanley*, and found that an Avangrid Renewables offtake agreement benefited from the *Mobile-Sierra* presumption and that Avangrid Renewables owed no refunds to the California Parties as a result. Stoel Rives represented Avangrid Renewables at the hearing and on the post-hearing briefing to the FERC.

Also on December 20, 2023, in [185 FERC ¶ 61,210](#), FERC issued an order accepting in part, subject to condition, and denying in part, CAISO's proposed revisions to its Open Access Transmission Tariff to implement its Day-Ahead Market Enhancements (DAME) and Extended Day-Ahead Market (EDAM) proposals. Under the DAME proposal, CAISO proposes to revise its Tariff to establish two new day-ahead market products—Imbalance Reserves and Reliability Capacity. The DAME proposal would update CAISO's existing day-ahead market to implement and accommodate EDAM functions, as well as address supply and load forecast differences, or imbalances, between the day-ahead and real-time markets. Under the EDAM framework, CAISO proposes revisions to its Tariff to offer participation in the day-ahead market to external balancing authority areas (BAA) in the Western states. By joining EDAM, an external BAA voluntarily enters into participation agreements to take part in CAISO's day-ahead market, similar to the existing Western Energy Imbalance Market.

At the December 19, 2023 Commission Open Meeting, FERC issued a Notice of Inquiry (NOI) into [Federal Power Act Section 203 Blanket Authorizations for Investment Companies](#) in Docket No. AD24-6. The NOI focuses on FERC's policy addressing three-year blanket authorizations for investment companies under section 203(a)(2) of the Federal Power Act (FPA). FERC explains that since it revised its regulations to expand blanket authorizations under section 203(a)(2) and began granting case-specific blanket authorizations for holding companies, including investment companies, there have been changes in the industries that warrant consideration into whether the blanket authorization policy will continue to work as intended. Therefore, FERC is seeking comments on: (1) whether, and if so, how, it should revise its blanket authorization policy for holding companies, including investment companies, under section 203(a)(2) of the FPA; (2) what constitutes control of a public utility in evaluating holding companies', including investment companies', requests for blanket authorization; and (3) what factors it should consider when evaluating control over public utilities as part of a request for blanket authorization.

Regarding control, FERC seeks comments specifically targeting large investment companies. For example, whether, and if so, how, the size of an investment company should be considered in evaluating a request for blanket authorization, if FERC should consider pre-existing ownership and control of public utilities and holding companies, and how to distinguish between the various types of investment vehicles.

Beyond large investment companies, FERC notes that arguments have been made that investment companies are able to influence utility behavior in ways that are not captured by the current analysis of control and seeks comments on how control may be exerted in ways not already captured by its policies and regulations, and what strategies or actions taken could demonstrate control or a degree of influence. Further, FERC seeks comments on what factors it should consider when evaluating control over public utilities as part of a request for blanket authorization. Specifically, FERC seeks comments on whether it should be more expansive in its review of control, for example, whether it should account for the impact of investors on long-term planning or other issues beyond day-to-day control. Further, FERC requests comments on what corporate governance factors should be considered during its evaluation of control, specifically mentioning the ability to influence board membership. Initial comments are due March 25, 2024, and reply comments are due April 24, 2024.

Also at the December 19, 2023 Commission Open Meeting, [the FERC, North American Electric Reliability Corporation, and Regional Entity Study on Blackstart and Next-Start Resource Availability in Texas Interconnection](#) was presented. While this study focuses on Texas, FERC staff emphasized that it believes many of the recommendations could be beneficial to regions and entities beyond Texas. The study makes seven recommendations, focusing on three overarching themes: (1) Blackstart system restoration planning and testing; (2) an assessment of natural gas availability to Blackstart and Next-Start Resources, as well as improved electric and natural gas coordination; and (3) the prioritization of natural gas supply and transportation to Blackstart and Next-Start Resources.