

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

ISO New England Inc.)	
)	Docket No. ER22-1528-000
New England Power Pool Participants)	
Committee)	

**COMMENTS OF THE
NEW ENGLAND STATES COMMITTEE ON ELECTRICITY**

Pursuant to the March 31, 2022 Combined Notice of Filings #1 issued by the Federal Energy Regulatory Commission (“Commission” or “FERC”), the New England States Committee on Electricity (“NESCOE”) hereby submits these comments in the above-captioned proceeding.¹ On March 31, 2022, ISO New England Inc. (“ISO-NE”) and the New England Power Pool (“NEPOOL”) Participants Committee jointly filed with the Commission pursuant to Federal Power Act (“FPA”) section 205² a proposal to reform ISO-NE’s Forward Capacity Market (“FCM”) by eliminating the current minimum offer price rule (“MOPR”) beginning in the nineteenth Forward Capacity Auction (“FCA”).³ For the next two capacity auctions, ISO-NE would implement a Renewable Technology Resource (“RTR”) exemption⁴ that would allow up

¹ NESCOE filed a doc-less motion to intervene in this proceeding on April 4, 2022.

² 16 U.S.C. § 824d.

³ ISO New England Inc., Revisions to ISO New England Transmission, Markets and Services Tariff of Buyer-Side Market Power Review and Mitigation Reforms, Docket No. ER22-1528-000 (filed Mar. 31, 2022) (the “Filing”). Capitalized terms not defined in this filing are intended to have the meaning given to such terms in the ISO-NE Transmission, Markets and Services Tariff (“Tariff”).

⁴ In 2012, NESCOE forged the path for a novel RTR exemption from the MOPR rules to accommodate the market entry of state-sponsored clean energy resources when no other mechanism existed, bringing litigation against ISO-NE that led the Commission to encourage a process for developing an RTR exemption along with other FCM rule changes. *See* Brief of Intervenor in Support of Respondent, NESCOE et al., D.C. Cir. Case No. 17-1110, at 9-12 (filed Dec. 12, 2017). ISO-NE phased out the original RTR exemption in connection with its Competitive Auctions with Sponsored Policy Resources (“CASPR”) program, discussed below. *See infra* n. 20.

to 700 megawatts (“MW”) of state-sponsored clean energy resource qualified capacity to clear the market without buyer-side market power mitigation review.⁵

NESCOE strongly supports the elimination of the current MOPR and has for a decade advocated for fundamental changes to ISO-NE’s capacity market rules to remove barriers to the participation of clean energy resources developed in furtherance of state clean energy and environmental laws.⁶ NESCOE has repeatedly stated that a market without such rule changes is not sustainable over the long-term. During the lengthy stakeholder process leading up to the Filing, NESCOE expressed the view (with New Hampshire opposing) that MOPR reforms should be enacted as soon as possible in a manner that supports system reliability. As discussed below, NESCOE does not oppose the limited two-year transition to full MOPR reforms reflected in the Filing so long as that deadline remains firm. The Filing hardwires into the Tariff the elimination of the current MOPR in FCA 19 and, in so doing, provides a clear end to a historic impediment to clean energy resource participation in the capacity market. To the extent the Commission accepts the Filing, NESCOE respectfully asks the Commission to ensure that the full MOPR reforms take effect by FCA 19 and are not further extended.

I. DESCRIPTION OF COMMENTER

NESCOE is the Regional State Committee for New England. It is governed by a board of managers appointed by the Governors of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont and is funded through a regional tariff that ISO-NE

⁵ The Filing notes the difference between qualified capacity and nameplate (i.e., installed) capacity and that the value depends on the specific technology entering the market. By way of example, the Filing illustrates that 700 MW of qualified capacity translates to 2,000 MW of nameplate capacity using a 35 percent value. Filing, Testimony of Vamsi Chadalavada on Behalf of ISO New England Inc. Regarding the Need for a Transition to the MOPR’s Elimination (“Chadalavada Testimony”), at 30-31.

⁶ New Hampshire does not join this filing, and instead may present its view on the various issues in this proceeding in a separate pleading.

administers.⁷ NESCOE's mission is to represent the interests of the citizens of the New England region by advancing policies that will provide electricity at the lowest possible price over the long term, consistent with maintaining reliable service and environmental quality.⁸ These comments represent the collective view of five of the New England states, with New Hampshire not joining this filing as noted above.

II. BACKGROUND

The New England states have proactively advanced and provided substantial financial support for the development of renewable resources over the past two decades. All six New England states have enacted laws that require renewable and alternative portfolio standards or comparable programs.⁹ The laws and regulations governing the New England states' renewable portfolio standards require load-serving entities (both load-serving utilities and competitive suppliers) to purchase renewable energy certificates in proportion to a percentage of their load. These programs have given rise to a secondary market in which qualifying renewable resources may sell the renewable energy certificates created by their energy generation to load-serving

⁷ *ISO New England Inc.*, 121 FERC ¶ 61,105 (2007).

⁸ See Sept. 8, 2006 NESCOE Term Sheet ("Term Sheet") that was filed for information as Exhibit A to the Memorandum of Understanding among ISO-NE, NEPOOL, and NESCOE (the "NESCOE MOU"). Informational Filing of the New England States Committee on Electricity, Docket No. ER07-1324-000 (filed Nov. 21, 2007). Pursuant to the NESCOE MOU, the Term Sheet is the binding obligation of ISO-NE, NEPOOL, and NESCOE.

⁹ Conn. Gen. Stat. §§ 16-1 and 16-245a *et seq.* (enacted in 1998, and as amended, requiring 40% Class I renewable energy, plus an additional 4% of renewable energy from Class I or Class II, by 2030); 35-A Maine Rev. Stat. §§ 3210 *et seq.* and 3401 *et seq.* (enacted in 1997, requiring 40% renewable energy by 2017); Mass. Gen. Laws ch. 25A, § 11F (enacted in 1997, requiring 15% renewable energy by 2020); R.I. Gen. Laws §§ 39-26 *et seq.* (requiring 38.5% renewable energy by 2035). New Hampshire enacted its renewable portfolio standard in May 2007 (N.H. Revised Stat. Ann., Chapter 362-F (requiring 25.2% renewable energy by 2025)), one year after the contested FCM settlement was approved. See *Devon Power LLC*, 115 FERC ¶ 61,340 (2006), *reh'g denied*, 117 FERC ¶ 61,133 (2006), *aff'd in part, rev'd in part*, sub nom. *Me. Pub. Util. Comm'n v. FERC*, 520 F.3d 464 (D.C. Cir. 2008) (affirmed settlement, remanded on other grounds), *rev'd in part on other grounds sub nom.*, *NRG Power Mktg.*, 558 U.S. 165 (2010). Vermont established a renewable energy standard that took effect on January 1, 2017. Vt. Stat. Ann. tit. §§ 8002-8005 (requiring 75% renewable energy by 2032).

entities and others, establishing a market-based approach to incentivizing renewable resource development.

More recently, some New England states have enacted statutes and regulations to promote the development of renewable energy by facilitating the financing of new clean energy resources through long-term power purchase agreements.¹⁰ Five of the New England states are committed to cost-effectively reducing economy-wide greenhouse gas emissions by at least 80 percent below 1990 levels by 2050.¹¹

Against this backdrop, the need for capacity market reforms has been at the center of NESCOE's work. Over the last decade, NESCOE has been vocal in advocating for capacity market rules that recognize investments made in renewable resources to satisfy New England states' energy and environmental requirements. NESCOE has strongly and repeatedly expressed that for ISO-NE's wholesale markets to be sustainable, they must reasonably account for and harmonize with the requirements of state energy and environmental laws. NESCOE has called for the region's efforts to prioritize these market reforms. NESCOE accompanied these calls with proposals as well as amendments to ISO-NE's and others' proposals. NESCOE's advocacy has emphasized the need to be mindful of the impact on the consumers who fund the power system.

¹⁰ See, e.g., Conn. Public Act 19-71, Conn. Public Act 15-107, Conn. Public Act 13-303, and Conn. Public Act 17-144; Massachusetts Act to Promote Energy Diversity, St. 2016 Mass. Acts c. 188, § 12.

¹¹ Statement of the Governors of Connecticut, Maine, Massachusetts, Rhode Island and Vermont: New England's Regional Wholesale Electricity Markets and Organizational Structures Must Evolve for 21st Century Clean Energy Future (Oct. 2020) at 1, available at http://nescoe.com/wp-content/uploads/2020/10/Electricity_System_Reform_GovStatement_14Oct2020.pdf; see Conn. Gen. Stat. §§ 22a-200a and 22a-200c; 38 Me. Rev. Stat. ch. 3-A and 3-B; Mass. Gen. Laws c. 21A § 22 and c. 21N § 3; R.I. Gen. Laws §§ 42-6.2-2, 42-17.1-2(19), 23-23, and 23-82; Public Act No. 153 (2020 Vt. Adj. Sess.).

When ISO-NE filed proposed buyer-side mitigation rules in 2012 without an exemption for state-sponsored resources,¹² NESCOE protested the filing¹³ and also filed a complaint with the Commission challenging ISO-NE's MOPR as unjust and unreasonable.¹⁴ That litigation was, to NESCOE's understanding, the first of its kind in the nation that challenged a MOPR as being unjust and unreasonable. NESCOE's complaint explained that ISO-NE's Tariff revisions were unlawful because they implemented buyer-side mitigation without an exemption for state-sponsored resources. Without such an exemption, NESCOE argued, renewable resources would be excluded from the capacity market, which would lead ISO-NE to over-procure capacity needed for resource adequacy, ignoring renewable resources that are operational and provide system capacity. In turn, this would lead to excessive consumer costs and unjust and unreasonable rates.¹⁵ Although the Commission rejected NESCOE's complaint,¹⁶ concurrently, the Commission issued an order addressing a package of reforms to ISO-NE's capacity market rules, acknowledging "the large number of stakeholders that supported some form of renewable resource exemption" from the MOPR.¹⁷

Over the past decade, NESCOE has repeated its message about the need to prioritize clean energy requirements side-by-side with reliability and consumer cost considerations:

¹² ISO New England Inc., Forward Capacity Market Redesign Compliance Filing and Request for Waiver of Compliance Obligation, or, in the Alternative, Limited Filing Pursuant to Section 205 of the Federal Power Act, Docket Nos. ER 12-953-001, *et al.* (filed Dec. 2, 2012).

¹³ *See* Motion to Intervene and Protest of the New England States Committee on Electricity, Docket Nos. ER12-953-001, *et al.* (filed Dec. 28, 2012).

¹⁴ Complaint and Motion to Consolidate Proceedings of the New England States Committee on Electricity, Docket No. EL13-34-000 (filed Dec. 28, 2012).

¹⁵ *See id.* at 9-17.

¹⁶ *New England States Committee on Electricity v. ISO New England Inc.*, 142 FERC ¶ 61,108 at P 33 (2013), *order on reh'g*, 151 FERC ¶ 61,056 (2015).

¹⁷ *ISO New England Inc.*, 142 FERC ¶ 61,107 at P 97 (2013).

For New England-wide system planning and wholesale competitive markets to be sustainable, they must reasonably accommodate state energy and environmental policies and priorities codified in state laws.

* * *

The practical reality is that state energy and environmental requirements intersect with regional competitive energy markets. State requirements must be harmonized with regional resource adequacy criteria and market mechanisms to ensure that consumers receive the full value of their investments in clean and/or local energy resources and that the resources consumers pay for through regional planning and markets account for those energy resources installed in accordance with state policies.^[18]

NESCOE continued to press for reforms including an accommodation for renewable resources—the RTR exemption—that provided access to the capacity market to state-sponsored off-shore wind and other renewable resources when no other mechanism existed.¹⁹ The tension in New England around wholesale markets and meeting state legal requirements was intensified, however, with the removal of the narrowly tailored RTR exemption in favor of what ended up being, unfortunately, a non-functional market rule change known as CASPR.²⁰ At the outset of CASPR’s development, NESCOE again expressed support for an objective that recognized the inherent need for balance between competitive wholesale market pricing and the requirements of

¹⁸ NESCOE 2014 Annual Report to the New England Governors (Mar. 11, 2015), at 21-22, available at <https://nescoe.com/resource-center/2014-annual-report/>. See also NESCOE 2013 Annual Report to the New England Governors (Feb. 25, 2014), at 23 (discussing NESCOE’s 2012 complaint and explaining that “[b]y effectively not counting renewable resources toward the region’s resource adequacy requirement, ISO-NE fails to accord ratepayers the full value of their investments in capacity resources and results in an energy market blind to the requirements of state laws, an outcome that is unsustainable over the long run.”), available at <https://nescoe.com/resource-center/2013-annual-report/>.

¹⁹ *ISO New England Inc.*, 147 FERC ¶ 61,173 (2014), *reh’g denied*, 150 FERC ¶ 61,065 (2015), *on remand*, 155 FERC ¶ 61,023 (2016), *on reh’g*, 158 FERC ¶ 61,138, (2017), *aff’d*, *NextEra Energy Resources, LLC v. FERC*, 898 F.3d 14 (D.C. Cir. 2018).

²⁰ See *ISO New England Inc.*, 162 FERC ¶ 61,205 (2018) (“CASPR Order”), *order on reh’g*, 173 FERC ¶ 61,161 (2020), *appeal pending sub nom.*, *Sierra Club et al. v. FERC*, Case Nos. 20-1333, *et al.* (D.C. Cir. filed Aug. 31, 2020).

state laws—both of which are ultimately about and for consumers—and asked ISO-NE to ensure that consumer costs were central in its CASPR design.²¹

NESCOE’s comments on the proposed CASPR program were generally, but conditionally, supportive given the objective of accommodating clean energy resources in the wholesale market. That support relied on ISO-NE’s commitment to monitor CASPR and file revisions if the program failed in practice.²² NESCOE emphasized:

ISO-NE *must* revise CASPR if it falls short of its intent to accommodate the participation of state-sponsored resources or if it proves inflexible to the execution of state laws, which are not static. Indeed, should CASPR not accommodate the entry of state-sponsored resources, NESCOE expects that ISO-NE would act expeditiously, in collaboration with states and stakeholders, to develop and file revised market rules with the Commission—including interim rules as necessary—to protect against excessive consumer costs. If and when that circumstance should occur, the need for expedited action may be particularly acute given the planned phase out of the Renewable Technology Resource exemption, New England’s current just and reasonable mechanism for accommodating state-sponsored policy resources and limiting the risk of excessive consumer costs arising from redundant capacity purchases.^[23]

As the Commission is aware, only 54 MWs have cleared through CASPR’s secondary auction feature since its inception.²⁴ As a result, in practice, CASPR has proven to be a failure in aligning wholesale markets with the requirements of state laws and as a durable design.

²¹ See, e.g., Memo from NESCOE to ISO-NE, CASPR Objectives, June 14, 2017, available at <https://nescoe.com/resource-center/caspr-objectives-jun2017/>.

²² Comments of the New England States Committee on Electricity, Docket No. ER18-619-000 (filed Jan. 29, 2018), at 3-4.

²³ *Id.* (emphasis in original)

²⁴ See Filing at 27.

New England state laws continue to drive renewable resource integration in the region, as ISO-NE has recognized,²⁵ and these requirements are increasingly transitioning the region’s power mix away from a central station, carbon-intensive fleet and toward a clean distributed energy system.²⁶ Various New England states have continued their steady march toward a clean energy future by enacting new climate policy legislation,²⁷ releasing an integrated resource plan aimed at pathways to achieving a 100 percent zero-carbon electric sector,²⁸ and forging ahead with additional procurements of large-scale clean energy projects.²⁹

Last year, NESCOE issued *Advancing the Vision*,³⁰ a report to the New England Governors with recommendations for reforms in three intersecting areas—wholesale markets,

²⁵ See *id.* at Section V (describing recent New England states’ clean energy and environmental requirements and procurement activity); ISO-NE, *2021 Regional Electricity Outlook*, March 2021 (“2021 REO”) at 13, available at https://www.iso-ne.com/static-assets/documents/2021/03/2021_reo.pdf.

²⁶ NESCOE has strongly supported a current ISO-NE initiative—the Future Grid Reliability Study—which is examining “the implications of a substantially changed grid, one where the majority of the resource mix is clean, intermittent resources. . . . [to] provide information on what the regional system will need to run reliably.” 2021 REO at 17. The second phase of the study will analyze whether “the current market structure will be sufficient to attract and retain the resources needed to keep the grid reliable under the range of future scenarios.” *Id.*

²⁷ See, e.g., An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy, 2021 Mass. Acts 8; An Act Relating to State Affairs and Government – 2021 Act on Climate, R.I. Gen. Laws §§ 42-6.2.

²⁸ See Connecticut Department of Energy and Environmental Protection, *2020 Integrated Resources Plan: Pathways to achieve a 100% zero carbon electric sector by 2040*, Oct. 2021, available at <https://portal.ct.gov/-/media/DEEP/energy/IRP/2020-IRP/2020-Connecticut-Integrated-Resources-Plan-10-7-2021.pdf>.

²⁹ See, e.g., Fitchburg Gas & Electric Light Company d/b/a Unitil et al., *Request for Proposals for Long-Term Contracts for Offshore Wind Energy Projects* (May 7, 2021) (soliciting proposals to deliver up to 1,600 MW of offshore wind generation). Massachusetts distribution companies and the Department of Energy Resources completed their evaluation of bids in December 2021, with two bidders selected as a portfolio of projects meeting the 1,600 MW target. See <https://macleanenergy.com/2021/12/17/the-distribution-companies-and-department-of-energy-resources-have-completed-the-evaluation-of-83c-iii-bids-received/>; An Act To Require Prompt and Effective Use of the Renewable Energy Resources of Northern Maine, 2021 Public Law ch. 380 (authorizing the procurement of renewable energy generation projects in an amount that is at least 18% of the state’s 2019 retail electric load); *Request for Proposals for Renewable Energy Generation and Transmission Projects Pursuant to the Northern Maine Renewable Energy Development Program*, Docket No. 2020-00369, Order Regarding Request for Proposals and Request for Proposals (Me. Pub. Util. Comm’n, November 29, 2021).

³⁰ New England Energy Vision Statement: Report to the Governors – Advancing the Vision (June 2021), available at <https://bit.ly/3jraE33>.

transmission, and ISO-NE governance—to transition successfully to a clean, affordable, and reliable 21st century power grid. *Advancing the Vision* built upon prior NESCOE work in October 2020, the *New England States’ Vision for a Clean, Affordable, and Reliable 21st Century Regional Electric Grid* (“*Vision Statement*”).³¹ The *Vision Statement* repeated the call for the integration of clean energy to be prioritized in our regional system along with the uncompromised need for reliability and consumer cost protections. It emphasized the need for reforms to ensure that market rules account for and support the New England states’ clean energy policies and mandates rather than impede them by making consumers overpay for power.³²

III. COMMENTS

During discussions in the regional stakeholder process on MOPR reform, NESCOE made clear what it has long expressed and brought litigation to address: it is fundamentally inappropriate to apply the MOPR to state investments to meet clean energy mandates.³³ In short, a market with such a MOPR is not sustainable. Whether the current MOPR is in place or not, state-sponsored renewable resources will continue to come online and provide clean energy to the grid. As Dr. Chadalavada accurately observed, “the primary driver for the region’s desire to eliminate the MOPR” is the fact that state-sponsored resources are favorably positioned to

³¹ New England States’ Vision for a Clean, Affordable, and Reliable 21st Century Regional Electric Grid (Oct. 2020), available at <https://nescoe.com/resource-center/vision-stmt-oct2020/>. Neither the *Vision Statement* nor *Advancing the Vision* was intended to modify the New England Governors’ agreement dated March 15, 2019 that States will ensure consumers in any one State do not fund the public policy requirements mandated by another State’s laws. New England Governors’ Commitment to Regional Cooperation on Energy Issues (Mar. 15, 2019), available at <https://www.coneg.org/wp-content/uploads/2019/03/New-England-Governors-Statement-of-Cooperation-on-Regional-Energy-3-15-19.pdf>.

³² *Vision Statement* at 1-2.

³³ While beyond the scope of this proceeding, NESCOE underscores the *Vision Statement*’s identification of the importance of public access to such discussions. *See id.* at 6-7.

become operational and provide system capacity irrespective of ISO-NE market revenues.³⁴

Consumers should not be forced to pay for duplicate capacity, i.e., once for capacity in the wholesale market and a second time for capacity from state-sponsored renewable resources excluded from the market due to the MOPR.³⁵

After listening to deliberations in the many months-long stakeholder process, NESCOE expressed the view (with New Hampshire opposing) that MOPR reform should be enacted as soon as possible in a manner that supports system reliability. Over the course of those discussions, NESCOE was active in understanding the various proposals, and in the end recognized ISO-NE's support for a transition proposal as ISO-NE's preferred way to reform the MOPR to mitigate the potential for short-term reliability risks and cost impacts.³⁶

The transition approach is, in fact, what ISO-NE has proposed in the Filing that is before the Commission. That approach is supported by almost 70% of NEPOOL, with affirmative support across all sectors.³⁷

³⁴ Chadalavada Testimony at 46-47; *see also id.* at 48 (“State-sponsored resources that are expected to be operational” during the two-year transition period (FCAs 17 and 18) “have already entered or are entering into long-term state contracts and will be developed regardless of capacity revenues.”).

³⁵ ISO-NE's recent publication of the Offer Review Trigger Prices (“ORTPs”)—the technical term for ISO-NE's version of the MOPR—that will be applied in FCA 17 demonstrate that the MOPR will continue to impede the participation of some state-sponsored resources while posing little to no barrier for some other technologies. For example, offshore wind is assigned an ORTP of \$12.761/kW-Month while photovoltaic solar and onshore wind are each assigned an ORTP of \$0/kW-Month. Energy Storage Devices (Lithium Ion Battery) are assigned an ORTP value of \$0.789/kW-Month, down from \$2.601/kW-Month in the last auction. ISO-NE, Forward Capacity Market Parameters, Mar. 25, 2022, available at https://www.iso-ne.com/static-assets/documents/2015/09/FCA_Parameters_Final_Table.xlsx. This data suggests that offshore wind resources would still require an RTR exemption in FCA 17 while certain other state-sponsored resource types would not need such an exemption to clear in the next auction when the proposed transition period begins.

³⁶ *See, e.g.*, Memo from Vamsi Chadalavada, ISO New England Executive Vice President and Chief Operating Officer, to NEPOOL Participants Committee Members and Alternates, ISO Support and Preference of Transition to Minimum Offer Price Rule (MOPR) Elimination, Jan. 26, 2022, Agenda Item #5 of NEPOOL Feb. 3, 2022 Participants Committee Meeting, at Attachment A (PDF p. 196), available at https://nepool.com/wp-content/uploads/2022/01/NPC_2022.02.03_Composite4.pdf.

³⁷ *See* Filing (PDF at 1377-1379), February 3, 2022 Participants Committee Meeting Votes Taken on MOPR at 1-3.

NESCOE reaffirms its position that it does not oppose the Filing’s approach to eliminating the MOPR—with a substantial caveat. During stakeholder discussions, NESCOE made clear that it would fiercely oppose any attempts to extend the deadline for full MOPR reform beyond FCA 19 and that any transition must *hardwire* into the Tariff elimination of the current MOPR as of that auction. The Filing does just that, providing a clear, defined, and expedient path for reforming market mitigation rules with a fixed and near-term end-date.³⁸

NESCOE also emphasizes the tight timeline for implementing changes in time for the next capacity auction, FCA 17. As the Commission considers requests to reject the Filing from opposite sides of the issue—those wanting to retain the existing MOPR framework and those seeking a faster track to full reform—NESCOE respectfully asks that the Commission weigh its procedural options against the risk that the *status quo* capacity market rules would remain intact for FCA 17. The calendar for resources seeking to participate in FCA 17 has already commenced. As noted above, ISO-NE phased out the RTR exemption in conjunction with its CASPR program.³⁹ NESCOE urges caution against leaving New England in an untenable position that is the worst of both worlds for the next auction: the existing MOPR remains in place with no RTR exemption. That outcome would exacerbate the very problems NESCOE has long been advocating for ISO-NE and the Commission to remedy, and it would leave state-

³⁸ In addition, unlike ISO-NE’s original proposal in the stakeholder process, the Filing proposes to uncouple MOPR elimination from an increase to net cost-of-new entry (“CONE”). *See* Filing at 44-46. NESCOE takes no substantive position here on any proposal related to a Net CONE adjustment. Given the material effect that a Net CONE increase could have on consumer costs over the long-term, there is a benefit to considering an issue as complex as Net CONE recalculations in a separate stakeholder process that does not layer complexity onto the discussion in the form of critically-needed MOPR reforms.

³⁹ CASPR Order at P 99.

sponsored resources with uncertainty regarding whether the MOPR would impede their ability to access the market. That uncertainty will have clear negative consumer cost implications.

IV. CONCLUSION

For the reasons stated herein, NESCOE respectfully requests that the Commission consider the above comments in this proceeding.

Respectfully Submitted,

/s/ Jason Marshall _____

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Date: April 21, 2022

CERTIFICATE OF SERVICE

In accordance with Rule 2010 of the Commission's Rules of Practice and Procedure, I hereby certify that I have this day served by electronic mail a copy of the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Cambridge, Massachusetts this 21st day of April, 2022.

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