

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

Participating Transmission Owners Administrative Committee)))))	Docket No. ER26-2389-000
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**PROTEST OF THE NEW ENGLAND STATES
COMMITTEE ON ELECTRICITY**

Pursuant to Rule 211 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (the “Commission”)¹ and the Commission’s April 30, 2026 Combined Notice of Filings #2, the New England States Committee on Electricity (“NESCOE”) hereby submits this protest in the above-captioned proceeding. As described at greater length below, NESCOE opposes the Federal Power Act (“FPA”) Section 205 filing made by the Participating Transmission Owners Administrative Committee (“PTOAC”)² and expresses its strong disapproval with the manner in which the PTOAC presented its proposal to the New England Power Pool (“NEPOOL”).

I. DESCRIPTION OF COMMENTER

NESCOE is the Regional State Committee (“RSC”) 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 New

¹ 18 C.F.R. § 385.211.

² *Participating Transmission Owners Administrative Committee*, Proposed Revisions to Attachment F of the ISO New England Inc. Open Access Transmission Tariff to Update the Return on Equity, Docket No. ER26-2389-000, Attachment E (filed Apr. 30, 2026).

England (“ISO-NE”) administers.³ 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.⁴ These comments represent the collective view of the six New England states.

II. BACKGROUND

On April 30, 2026, the PTOAC made the instant filing pursuant to FPA Section 205 on behalf of the New England Participating Transmission Owners. By its filing, the PTOAC seeks to increase the base ROE for the New England Transmission Owners (“NETOs”) to 11.39 percent. The filing follows closely in time after significant action from the Commission on the NETOs’ ROE. Specifically, on March 19, 2026, the Commission issued Opinion No. 594,⁵ which found that the NETOs’ base return on equity (“ROE”) was unjust and unreasonable and set the allowed base ROE at 9.57 percent. In addition, Opinion No. 594 directed the NETOs and ISO-NE to calculate and provide refunds for two distinct periods: (1) from October 1, 2011, through December 31, 2012, based on the statutory 15-month refund period provided for in FPA Section 206(b); and (2) from October 16, 2014, through March 19, 2026, based on the Commission’s broad remedial authority to correct legal error, directing that the NETOs provide refunds for the difference between the 9.57 percent base ROE, effective prospectively from

³ *ISO New England Inc.*, 121 FERC ¶ 61,105 (2007).

⁴ *See* Sept. 8, 2006 NESCOE 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.

⁵ *See Coakley v. Bangor Hydro-Elec. Co.*, Opinion No. 594, 194 FERC ¶ 61,208 (Mar. 19, 2026) (“Opinion No. 594”) (subsequent history omitted).

October 16, 2014, and the 10.57 percent ROE that has been in place since that date.⁶ The Commission's directive required the NETOs to complete all associated refunds within 30 days.⁷ On April 14, 2026, the Commission issued an order extending the deadline for the NETOs to complete refunds to May 20, 2027.⁸

III. PROTEST AND REQUEST FOR MAXIMUM SUSPENSION

NESCOE opposes the PTOAC's filing, as its requested base ROE would place an unprecedented burden on customers who (1) are currently struggling with high electricity bills and (2) have been overcharged for well over a decade to provide excess profits to NETOs' shareholders. The timing of the PTOAC's filing is particularly concerning. The PTOAC's filing comes less than two months after the Commission issued Opinion No. 594. In Opinion No. 594, the Commission found that the NETOs have charged New England customers an unjust and unreasonable base ROE for nearly 15 years and that customers are due refunds of approximately \$1.5 billion.⁹ The sheer size of the increase in the base ROE that the PTOAC requests here gives good reason for pause. Moreover, per their most recent representations to the Commission, the NETOs do not intend to begin providing the Opinion No. 594 refunds to customers until

⁶ Opinion No. 594 at PP 41, 468, 474–76.

⁷ *See id.* at Ordering Paragraphs (B) and (C).

⁸ *Coakley v. Bangor Hydro-Elec. Co.*, Notice of Extension of Time, Docket No. EL11-66-001 (issued Apr. 14, 2026).

⁹ Opinion No. 594 at P 4. *See also* Motion of Central Maine Power Company, Eversource Energy Service Company, and the United Illuminating Company for a Stay of Retroactive Refund Obligations, and Request for Shortened Comment Period and Expedited Consideration, Docket Nos. EL11-66-001, *et al.*, at 3 (Apr. 2, 2026).

September bills.¹⁰ Yet, the PTOAC requests that a new, higher base ROE be put into effect by June 30, 2026—months in advance of the NETOs’ plan to begin refunding customers.

In conjunction with the overcharges resulting from the unjust and unreasonable ROE in place for nearly 15 years, New England electricity customers are struggling from high electricity costs as a general matter. Customers in New England pay far more for transmission than customers in any regional transmission organization (“RTO”) area in the United States. Transmission costs in New England are 35 percent more expensive than the second-highest RTO area, PJM Interconnection, L.L.C., and are more than twice as much as the costs in other RTO areas.¹¹ Moreover, the Commission has recognized that wholesale electricity costs in ISO-NE have sharply increased over the past few years.¹²

In sum, the PTOAC is now requesting an unprecedentedly high base ROE at a time when consumers are suffering from high energy costs and are presently owed massive refunds for transmission rates that included an unjustly and unreasonably high ROE. For these reasons, the Commission should use every tool in its toolbox to scrutinize the filing and ensure that any ROE that it sets based on this proceeding be just and reasonable. These tools include, but are not limited to, the exercise of its authority to suspend the operation of the PTOAC’s filing for the maximum period of five months pursuant to FPA Section 205(e) pending hearings. Under

¹⁰ See Joint Motion of the New England Transmission Owners and ISO New England for an Extension of Time to Complete Refunds, and Request for Shortened Comment Period and Expedited Consideration, Docket Nos. EL11-66-001, *et al.*, at Attachment A, Affidavit of Debra DiFiore, at ¶ 7 (filed Apr. 2, 2026).

¹¹ 2024 Assessment of the ISO New England Electricity Markets, Potomac Economic, External Market Monitor for ISO-NE, at 4–5 (June 2025), available at <https://nepool.com/wp-content/uploads/2025/06/2024-EMM-Annual-Report.pdf> (last checked May 21, 2026).

¹² See FERC Staff Report, 2023 Common Metrics, at Figure 19, available at <https://www.ferc.gov/media/2023-common-metrics> (last checked May 21, 2026).

longstanding precedent, the Commission will suspend a rate filing for the maximum five-month period if the rate increase appears on its face to be more than 10 percent excessive.¹³ Here, the 182-basis point increase—over a 19 percent increase—appears facially excessive, and NESCOE requests that the Commission suspend the rates for the five-month maximum to ensure that customers are protected.

NESCOE also wishes to express its deep disappointment with the manner that the PTOAC presented its request to increase the NETOs' ROE to NEPOOL. In its initial presentation to the Transmission Committee, the PTOAC refused to reveal the ROE that it intended to seek, instead including a placeholder of “[xx.xx%]” in its proposal.¹⁴ Unsurprisingly, the PTOAC received zero votes in favor of its proposal outside of the transmission sector, and “[t]he primary reason expressed for abstention or opposition... was the absence of a specific base ROE replacement rate in the proposal.”¹⁵ When the PTOAC presented its proposed ROE increase to NEPOOL in a Special Meeting of the Participants Committee, the PTOAC again provided only a placeholder of “[xx.xx%]” in materials published in advance of the meeting, and the PTOAC only disclosed the base ROE that it planned to seek *after* the meeting to vote on the proposal began.¹⁶ Like the Transmission Committee vote before

¹³ “In *West Texas Utilities Co.*, the Commission explained that, when its preliminary analysis indicates that proposed rates may be unjust and unreasonable, and may be substantially excessive, the Commission will generally impose a maximum suspension (i.e., five months).” *Startrans IO, L.L.C.*, 193 FERC ¶ 61,250, at P 17 (2025) (citing *W. Tex. Utils. Co.*, 18 FERC ¶ 61,189, at 61,374-75 (1982)).

¹⁴ See Notice of NETO Base ROE Filing (April 21, 2026), available https://www.iso-ne.com/static-assets/documents/100034/a04_tc_pto_ac_roe_presentation.pdf (last checked on May 21, 2026).

¹⁵ See Supplemental Notice of Special April 30, 2026 Webex Participants Committee Meeting (April 23, 2026), available at <https://www.iso-ne.com/static-assets/documents/100034/npc-2026-04-30-supplemental.pdf> (last checked on May 21, 2026).

¹⁶ *Id.*

it, the PTOAC's request received unanimous disapproval outside of the transmission sector, as every member outside of the transmission sector either opposed the PTOAC's proposal or abstained.¹⁷ This widespread disapproval was appropriate—no market participant should be asked to vote on a proposal where the material details are revealed at the very last minute, immediately before the vote.

The Commission relies on a robust NEPOOL process to give stakeholders the opportunity to work through issues in region-specific ways. The PTOAC's actions in bringing a proposal with a placeholder that it left blank moments before the vote began was deeply inappropriate and grossly inconsistent with the regional cooperation that NEPOOL was created to foster. The need for full disclosure and regional cooperation was particularly acute here given the enormous financial burden that the PTOAC's request would place on New England customers, who have paid rates that included an unjust and unreasonable ROE for nearly fifteen years. Instead of cooperating with the region and approaching the stakeholder process in a respectful way that allowed a reasonable opportunity to assess its proposal, the PTOAC sought an incremental litigation advantage by waiting until the last moment to reveal its requested base ROE and never engaged in meaningful discussions with stakeholders about its purported need for an increased ROE.

IV. CONCLUSION

For the reasons discussed above, NESCOE respectfully requests that the Commission consider this protest and suspend the effective date of the proposed rate increase for five months

¹⁷ See Comments of the New England Power Pool Participants Committee, at Attachment 1 (May 21, 2026).

and only allow it to go into effect subject to refund and the outcome of hearing and settlement judge procedures.

Respectfully Submitted,

On behalf of NESCOE:

/s/ Nathan Forster

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Date: May 21, 2026

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 Osterville, Massachusetts this 21st day of May, 2026.

/s/ Nathan Forster

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