

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

<b>Maine Office of the Public Advocate</b>	)	
<b>Vermont Department of Public Service</b>	)	
<b>State of Connecticut Office of Consumer Counsel</b>	)	<b>Docket No. EL26-66-000</b>
<b>Rhode Island Division of Public Utilities and Carriers</b>	)	
<b>New Hampshire Office of the Consumer Advocate</b>	)	
<b>v.</b>	)	
<b>Eversource Energy Service Company</b>	)	
	)	

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

Pursuant to the Federal Energy Regulatory Commission’s (the “Commission”) May 12, 2026 Combined Notice of Filings #3, the New England States Committee on Electricity (“NESCOE”) hereby submits these comments in the above-captioned proceeding. As described at greater length below, NESCOE does not take a position on whether the Commission should grant the Complaint under Sections 206 and 306 of the Federal Power Act (“FPA”). However, NESCOE (1) agrees with the Complaint that New England sorely needs additional oversight over asset condition projects and (2) agrees with the Complainants and other concerned stakeholders that the X-178 project in particular epitomizes the need for this reform. NESCOE further submits these comments to support the ongoing stakeholder discussions to create an “Asset Condition Reviewer” (“ACR”) in New England, which NESCOE believes will be an extremely positive step in providing additional oversight of asset condition projects in New England.

## **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 England (“ISO-NE”) administers.<sup>1</sup> 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.<sup>2</sup> These comments represent the collective view of the six New England states.

## **II. BACKGROUND**

### **A. New England Transmission Planning**

Transmission investment underpinning transmission rates in New England falls into two broad categories—reliability projects and asset condition projects.<sup>3</sup> ISO-NE maintains two lists of transmission infrastructure projects reflecting these two categories: (1) the Regional System Plan (“RSP”) Project List and (2) the Asset Condition List.<sup>4</sup> The former, as its name suggests, consists of projects resulting from New England regional system planning. Projects included in

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<sup>1</sup> *ISO New England Inc.*, 121 FERC ¶ 61,105 (2007).

<sup>2</sup> See Sept. 8, 2006 NESCOE Term Sheet that was filed for information as Exhibit A to the Memorandum of Understanding among ISO-NE, the New England Power Pool (“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.

<sup>3</sup> In New England, the term “asset condition project” refers to a project where the transmission owner replaces aged and damaged infrastructure. Asset condition projects are self-planned by the transmission owner.

<sup>4</sup> ISO-NE, RSP Project List and the Asset Condition List, available at <https://www.iso-ne.com/system-planning/system-plans-studies/rsp/rsp-project-list-and-the-asset-condition-list> (last checked on June 1, 2026).

the RSP are subject to robust oversight by both the ISO-NE Planning Advisory Committee (“PAC”) and the ISO-NE Board of Directors and are a product of extensive analysis by ISO-NE transmission planning staff.<sup>5</sup> Asset condition projects, on the other hand, are not subject to the same robust review and approval process as RSP projects. Under section 3.08(f) of the Transmission Operating Agreement (“TOA”), the New England Transmission Owners (“NETOs”) maintain that they have the “sole discretion... whether or not... to restore... damaged or destroyed Transmission Facilities.”<sup>6</sup> Unlike RSP projects, ISO-NE does not participate in asset condition project planning or proposal review under current processes.<sup>7</sup> Further, the PAC reviews asset condition projects on an advisory basis and does not determine the need for any asset condition project or select transmission solutions to address asset condition needs.

## **B. Procedural History**

On November 14, 2025, two landowners filed a complaint (the “Pastoriza Complaint”), claiming that the X-178 rebuild was an unjust and unreasonable attempt by Eversource to avoid the extensive review involved in ISO-NE’s regional system planning process.<sup>8</sup> On December 8, 2025 Public Service Company of New Hampshire filed a motion to dismiss the Pastoriza Complaint, and on December 23, 2025, the Maine Office of the Public Advocate (“OPA”) filed a

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<sup>5</sup> See generally ISO-NE Open Access Transmission Tariff, Attachment K.

<sup>6</sup> See ISO-NE Transmission Operating Agreement, Section 3.08(f).

<sup>7</sup> See Comments of the New England States Committee on Electricity, *Industrial Energy Consumers of America et al. v. Avista Corporation et al.*, Docket No. EL25-44-000, at 11–12 (March 20, 2025) (“NESCOE IECA Comments”).

<sup>8</sup> Complaint for a Federal Power Act Section 206 Investigation of the Eversource X-178 Powerline Rebuild, *Pastoriza, et al. v. Public Serv. Co. of New Hampshire*, Docket No. EL26-27-000, at PP 13–14, 32–33 (Nov. 17, 2025).

response to that motion to dismiss. In its response, the Maine OPA supported the Pastoriza Complaint and asserted that there was a question of material fact as to whether the X-178 project qualified as an asset condition project under TOA sections 3.08(f)(i) and 3.09(a) and, as such, questioned whether the costs associated with the project were recoverable under the NETO's formula rate.<sup>9</sup>

On March 2, 2026, the Commission dismissed the Pastoriza Complaint, finding that complainants did “not present a clear argument.”<sup>10</sup> However, the Commission also acknowledged that the Maine OPA raised an argument questioning “whether the Project qualifies as an asset condition project and its exemption from review in ISO-NE's regional transmission planning process.”<sup>11</sup> The Commission noted that it found that this issue was “outside the scope of the Complaint,” thereby suggesting that the issue would have to be raised in a separate complaint.<sup>12</sup>

On May 12, 2026, the Maine OPA, the State of Connecticut Office of Consumer Counsel (“OCC”), the Rhode Island Division of Public Utilities and Carriers (“Rhode Island”), the New Hampshire Office of the Consumer Advocate (“OCA”) and the Vermont Department of Public Service (“Vermont DPS”) (collectively, “Complainants”) filed a complaint pursuant to sections 206 and 306 of the FPA, alleging that the treatment by Eversource Energy Service Company

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<sup>9</sup> Response of the Maine Office of the Public Advocate to PSNH Motion to Dismiss, *Pastoriza et al. v. Public Serv. Co. of New Hampshire*, Docket No. EL26-27-000, at 2 (Dec. 23, 2025).

<sup>10</sup> *Pastoriza et al. v. Public Serv. Co. of New Hampshire*, 194 FERC ¶ 61,156, at P 23 (2026).

<sup>11</sup> *Id.* at P 25.

<sup>12</sup> *Id.* at P 25 n.53.

(“Eversource”) of the X-178 project as an asset management project violates the filed rate.<sup>13</sup> The Complaint also maintains, in the alternative, that if the current TOA provides no avenue for meaningful review of the threshold question of whether Eversource has improperly characterized the X-178 project as an asset management project, then the TOA is no longer just and reasonable.<sup>14</sup>

### **III. COMMENTS**

As discussed *supra*, NESCOE does not take a position on whether Eversource has violated the TOA in connection with the X-178 project or whether the Commission should grant the alternative relief that the Complainants seek through their filing. However, setting aside the question of whether additional regulatory oversight is required by the TOA (as Complainants argue), NESCOE agrees with the Complainants that the region severely lacks adequate regulatory oversight over asset condition projects. In addition, NESCOE agrees with the Complainants that the X-178 project process is an example of the need for additional oversight. Lastly, NESCOE supports the current stakeholder process to create the ACR and believes that the ACR will be an important step to providing the regulatory oversight that New England’s electricity customers deserve.

#### **A. Asset Condition Projects Represent a Growing Category of Costs and Additional Oversight is Needed.**

As explained in greater detail *supra*, the transmission investment underpinning transmission rates in New England falls into two broad categories—reliability projects and asset

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<sup>13</sup> Complaint Against Eversource Energy Service Company, *Maine Office of the Public Advocate et al. v. Eversource Service Company*, Docket No. EL26-66, at 9–10 (May 12, 2026).

<sup>14</sup> *Id.* at 10.

condition projects. While costs for both types of investment are recovered from all New England customers through regional rates, only reliability projects are subject to oversight through a robust regional planning process that considers whether the investment is necessary and cost-effective.<sup>15</sup> No such requirement exists for asset condition projects. Yet, asset condition projects comprise more than half of the nearly \$12 billion of projects placed in service since 2016 and, looking ahead, account for the vast majority of the nearly \$6 billion in planned projects in the region.<sup>16</sup> As of March 2026, over \$6.5 billion of asset condition projects have been placed in service since 2016, compared to \$5.3 billion in RSP projects.<sup>17</sup> Looking ahead, there are \$5.5 billion of asset condition projects planned, proposed or under construction compared to \$281 million in RSP projects.<sup>18</sup> As the Complaint points out, projects that the NETOs label as “asset condition projects” often include more than simply replacing damaged or destroyed infrastructure and often include replacing healthy structures to provide other upgrades to the transmission system.<sup>19</sup> For this reason, many of New England’s transmission projects are not part of the regional planning process and thus lack the same level of oversight. New England

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<sup>15</sup> See NESCOE IECA Comments, at 10.

<sup>16</sup> As of March 2026, over \$6.5 billion of asset condition projects have been placed in service since 2016, compared to \$5.3 billion in RSP projects. Looking ahead, there are \$5.5 billion of asset condition projects planned, proposed or under construction compared to \$281 million in RSP projects. ISO-NE, RSP Project List and the Asset Condition List, available at <https://www.iso-ne.com/system-planning/system-plans-studies/rsp/rsp-project-list-and-the-asset-condition-list> (last checked on June 1, 2026).

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> See Complaint, at 18.

customers pay some of the highest transmission rates in the nation,<sup>20</sup> and a substantial and increasing factor in those high rates are the costs of asset condition projects.

As the Commission is aware, the New England states have limited authority to review asset condition projects and thereby fill the gap created by a lack of regional planning and oversight.<sup>21</sup> In New England, all six states have transmission siting laws that apply to new transmission lines over a certain voltage level.<sup>22</sup> However, the review of siting of existing transmission lines where they are replaced with in-kind assets is the exception, not the rule. With limited exceptions in two states, all other existing transmission lines in New England can undergo asset replacement or refurbishment without state siting approval and without scrutiny by ISO-NE.<sup>23,24</sup> Even if, hypothetically, each state siting authority could review asset condition projects funded through regional rates, that review would come late in the project development process and risk disruption or delay of projects needed for reliable system operations. It would also be overly burdensome and inefficient—all other states would need to intervene as litigants in each other’s siting proceedings to endeavor to influence the development of a regionally funded project. Thus, New England has a critical need for a robust regional process to review

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<sup>20</sup> 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 on June 1, 2026).

<sup>21</sup> NESCOE IECA Comments at 22–24; *see also* Post-Technical Conference Comments of the New England States Committee on Electricity, Docket No. AD22-8-000, at 16–18 (March 23, 2023).

<sup>22</sup> *Id.*

<sup>23</sup> NESCOE IECA Comments, at 23.

<sup>24</sup> Massachusetts requires the review of siting of existing transmission lines where they are replaced with in-kind assets of 10 miles or more. *See* Mass. Gen. Laws ch. 164, §§ 69G, 69J. Connecticut requires the review of siting of existing transmission lines that are materially modified provided that modification results in a cost of no less than \$25 million. *See* Public Act 25-173, Sec. 25(8).

asset condition project proposals early in the project development cycle that cannot be accomplished through state siting procedures.

**B. Eversource’s X-178 Project Exemplifies the Problems with the Region’s Lack of Oversight of Asset Condition Projects.**

The X-178 project is a prime example of the wholly inadequate regional process that currently exists for transmission spending in New England. The record before the Commission clearly shows that the X-178 project was not driven by asset condition needs, which were only incidental to the project. Rather, Eversource’s initial presentation made clear that an interest in installing additional communications-based infrastructure—specifically, Eversource’s interest in installing optical ground wire (“OPGW”) on the line—was the real driver of the project.<sup>25</sup> In this initial presentation, Eversource proposed to fully rebuild the X-178 line for an estimated cost of \$384.61 million although only 41 of the 580 structures (7 percent) were actually deteriorated.<sup>26</sup> Eversource presented two alternatives that it considered, neither of which included replacing only the structures that were damaged and destroyed.<sup>27</sup> Rather, Eversource contemplated either replacing the entire line (which was its chosen solution) or “only” replacing 287 structures that would need to be replaced to accommodate the OPGW.<sup>28</sup> The driver of the X-178 project, thus, was clearly not asset condition needs. If the driver was truly asset condition needs, the decision to replace a whole line when only 7 percent of structures required replacement or repair would

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<sup>25</sup> See Eversource New Hampshire Line X-178 Rebuild (Feb. 28, 2024), at 3, 5, 9–10, available at [https://www.iso-ne.com/static-assets/documents/100008/a05\\_2024\\_02\\_28\\_pac\\_line\\_x178\\_rebuild\\_presentation.pdf](https://www.iso-ne.com/static-assets/documents/100008/a05_2024_02_28_pac_line_x178_rebuild_presentation.pdf) (last checked on June 1 2026).

<sup>26</sup> *Id.* at 5, 12.

<sup>27</sup> *Id.* at 11–12.

<sup>28</sup> *Id.*

have been grossly imprudent. The driver of the project was to provide systemwide needs as part of Eversource's long-term plan to provide reliability in the region.

Following months of stakeholder feedback, comments, and request for additional information, Eversource provided stakeholders with an updated analysis and proposal based on an inspection conducted only after receiving significant public pushback on its proposed project.<sup>29</sup> The new 2024 inspection report results pointed to a more significant need than Eversource originally identified.<sup>30</sup> Eversource produced brand new data it gathered after stakeholder meetings in which Eversource could not satisfactorily answer basic questions. The new data showed approximately 350% more deteriorated poles just 8 months after Eversource presented its initial data.<sup>31</sup> Eversource's new data, gathered after hearing state, consumer advocate and stakeholder questions and concerns, pointed to a more significant asset condition need underlying the project. The sequence created considerable questions about the integrity of the process and resulting analysis.

As the Commission knows, NESCOE has been laser-focused on improving the regional process and oversight for asset condition projects. From 2023 to 2025, NESCOE worked with the NETOs to implement a series of process enhancements to increase transparency and visibility into asset condition projects.<sup>32</sup> While these transparency improvements are important and

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<sup>29</sup> Eversource, New Hampshire Line X-178 Rebuild Follow-Up (Oct. 23, 2024) at 1, available at [https://www.iso-ne.com/static-assets/documents/100016/a07\\_pac\\_line\\_x178\\_rebuild\\_followup.pdf](https://www.iso-ne.com/static-assets/documents/100016/a07_pac_line_x178_rebuild_followup.pdf) (last checked on June 1, 2026).

<sup>30</sup> *Id.* at 4–10, 12–13.

<sup>31</sup> Eversource, New Hampshire Line X-178 Rebuild Follow-Up (Oct. 23, 2024) at 9, available at [https://www.iso-ne.com/static-assets/documents/100016/a07\\_pac\\_line\\_x178\\_rebuild\\_followup.pdf](https://www.iso-ne.com/static-assets/documents/100016/a07_pac_line_x178_rebuild_followup.pdf) (last checked on June 1, 2026).

<sup>32</sup> Consistent with NESCOE's requests, the NETOs have adopted PAC presentation guidelines for asset condition projects as well as an asset condition process guide, publish asset condition forecasts, maintain the asset condition database, and use consistent asset health score metrics when describing assets. *See* ISO-NE. Transmission Owner

necessary and have enabled more meaningful state, consumer advocate, and stakeholder engagement, this was a first step: visibility is necessary but is no substitute for effective project oversight.<sup>33</sup>

In addition, under the process currently in effect, there is no adequate means for ISO-NE, states, or stakeholders to challenge a decision in relation to a project, including a challenge to a NETO decision to categorize a regional reliability project as an asset condition project, as the Complainants attempt to do here. The only opportunity for states, consumer advocates, and stakeholders to challenge any aspect of these projects is either in the context of advisory PAC meetings or through time-consuming and costly FERC litigation that occurs only *after* the projects are placed in service. Stakeholders often lack the necessary information and expertise required to bring this litigation, especially considering the short time frame available to investigate the NETOs' Annual Update filings.<sup>34</sup> As NESCOE has previously explained, neither the PAC nor the litigation avenue is adequate to provide the necessary oversight over asset condition spending.<sup>35</sup>

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Asset Management, available at <https://www.iso-ne.com/system-planning/transmission-planning/transmission-owner-asset-management> (last checked on June 1, 2026).

<sup>33</sup> See NESCOE, Statement on Asset Condition Reviewer, at 1 (May 16, 2025) (“NESCOE ACR Statement”), available at <https://nescoe.com/wp-content/uploads/2025/05/NESCOE-Statement-on-ACP-Reviewer.pdf> (last checked on June 1, 2026).

<sup>34</sup> Specifically, the Transmission Formula Rate Procols provide for a five-month period to serve information requests before informal challenges are due. Transmission Formula Rate Protocols, Attachment 1.

<sup>35</sup> NESCOE IECA Comments, at 11–12, 25–28.

### **C. NESCOE Strongly Supports the Creation of an Asset Condition Reviewer.**

Last year, in response to a request from NESCOE and transmission owners, ISO-NE agreed to explore the role of an ACR.<sup>36</sup> As the regional system planner, ISO-NE is uniquely qualified to take on this role given that it is funded by regional ratepayers and has existing expertise on transmission planning issues. The ACR process, including specific ACR duties, is currently under discussion in the NEPOOL stakeholder process. ISO-NE expects to finalize the proposal by the end of 2026.<sup>37</sup> Although the details are still under discussion, NESCOE is encouraged by the draft tariff changes that ISO-NE has proposed and the broad stakeholder engagement evidenced over the course of many months of stakeholder meetings. Importantly, from the outset, the proposed scope of the ACR's responsibilities includes reviewing both the underlying need of the asset condition project and the alternative solutions that the NETO considered.<sup>38</sup> If designed properly, NESCOE expects that the asset-condition-review process will help states, consumer advocates, and stakeholders clearly identify and understand primary and secondary drivers of asset condition projects and assess whether the identified solution is

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<sup>36</sup> See ISO-NE, Update on Asset Condition Project Process (May 15, 2025), available at [https://notification.iso-ne.com/l/405752/2025-05-15/2ccp755/405752/1747327348SH2DPfNj/Status\\_update\\_ACR\\_5\\_15\\_2025.pdf](https://notification.iso-ne.com/l/405752/2025-05-15/2ccp755/405752/1747327348SH2DPfNj/Status_update_ACR_5_15_2025.pdf) (last checked on June 1, 2026).

<sup>37</sup> See, e.g., ISO-NE, Asset Condition Reviewer – Establishing ISO New England as the Region's Asset Condition Reviewer, at 29 (Jan. 27 2026), available at [https://www.iso-ne.com/static-assets/documents/100031/a05.2\\_pac\\_acr\\_intro\\_presentation.pdf](https://www.iso-ne.com/static-assets/documents/100031/a05.2_pac_acr_intro_presentation.pdf) (last checked on June 1, 2026).

<sup>38</sup> This has been part of the scope from ISO-NE's initial presentation in January 2026, and remains a core function as of the most recent proposal under consideration. See, e.g., ISO-NE, Asset Condition Reviewer – Establishing ISO New England as the Region's Asset Condition Reviewer, at 21 (Jan. 27, 2026), available at [https://www.iso-ne.com/static-assets/documents/100031/a05.2\\_pac\\_acr\\_intro\\_presentation.pdf](https://www.iso-ne.com/static-assets/documents/100031/a05.2_pac_acr_intro_presentation.pdf) (last checked on June 1, 2026); ISO-NE, Asset Condition Process, available at <https://www.iso-ne.com/static-assets/documents/100034/asset-condition-review-workflow.pdf> (last checked on June 1, 2026).

appropriately scoped to the asserted asset condition needs.<sup>39</sup> Although the the ACR role will be advisory only, NESCOE expects that the information that the ACR provides will help states and stakeholders to effectively evaluate and—if necessary—challenge asset condition projects.<sup>40</sup> Importantly, as NESCOE has emphasized repeatedly, a robust asset condition review process that is transparent and provides oversight and scrutiny of asset condition projects will help lay a foundation to develop a rightsizing approach to the region’s transmission investments.<sup>41</sup>

Ultimately, if properly structured in its final form, the ACR will bring much-needed technical expertise and uniformity to the region’s assessment of asset condition projects. Ultimately, the ACR and ISO-NE’s transmission planners will enable the region to fully assess and clearly delineate between asset condition projects, transmission projects needed for reliability, and “rightsized” transmission investments that make the most economic sense for consumers. Although steps remain on the ACR and rightsizing, the ACR is an important step toward New England having holistic and robust regional review processes for transmission project proposals.

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<sup>39</sup> NESCOE, Asset Condition Reviewer Priorities (June 9, 2025), available at <https://nescoe.com/wp-content/uploads/2025/06/Asset-Condition-Reviewer-Priorities.pdf> (last checked on June 1, 2026); NESCOE, Response to ISO-NE’s Request for Feedback on the Development of the ACR Role and Process (Nov. 21, 2025), available at <https://nescoe.com/wp-content/uploads/2025/12/NESCOE-ACR-Comments-11-21-25.pdf> (last checked on June 1, 2026).

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

### III. CONCLUSION

NESCOE respectfully requests that the Commission consider these comments.

Respectfully Submitted,

On behalf of NESCOE:

*/s/ Nathan Forster*

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Date: June 1, 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 1st day of June, 2026.

*/s/ Nathan Forster*

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