

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

NextEra Energy, Inc.	)	
	)	Docket No. EC26-131-000
	)	
Dominion Energy, Inc.	)	
	)	

**COMMENTS 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”), the Commission’s July 17, 2026 Combined Notice of Filings, and the Commission’s August 25, 2026 Notice of Extension of Time, the New England States Committee on Electricity (“NESCOE”) hereby submits these comments in the above-captioned proceeding.¹ As discussed at greater length herein, NESCOE has deep concerns with the transaction proposed in the filing and reserves the right to respond further once the application is complete and its impact on the region and its electricity customers can be fully evaluated.

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 NESCOE notes that on September 24, 2026, the Connecticut Attorney General, the Massachusetts Attorney General, and the Connecticut Department of Energy and Environmental Protection (the “Moving Parties”) filed a Motion for Expedited Clarification of the Comment Deadline in Light of the Deficiency Letter, or in the Alternative, For Extension of Time Until 30 Days After Applicants’ Supplemental Filing, Docket No. EC26-131-000 (Sept. 24, 2026) (“Joint Motion”). Given that the Commission has not ruled on this Joint Motion, NESCOE submits these comments per the Commission’s previously-stated filing deadline. However, as discussed further *infra*, NESCOE may file a more fulsome response on the merits if the Applicants elect to file an amended application.

England (“ISO-NE”) administers.² 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.³ These comments represent the collective view of five of the six New England states, with New Hampshire not joining.

II. BACKGROUND

On July 15, 2026, NextEra Energy, Inc. (“NextEra”) and Dominion Energy, Inc. (“Dominion” and, together with NextEra, the “Applicants”) filed with the Commission an Application for Authorization Under Section 203 of the Federal Power Act and Requests for Confidential Treatment and Limited Waivers of Certain Filing Requirements (the “Application”).⁴ In their Application, the Applicants seek approval under FPA Sections 203(a)(1) and 203(a)(2) for the approval to merge a subsidiary of NextEra with Dominion (the “Transaction”). Pursuant to a merger agreement between the Applicants, NextEra proposes to combine with Dominion through a two-step merger process.⁵ On September 23, 2026, the Commission’s Office of Energy Market Regulation issued a Deficiency Letter, informing the Applicants that the Application is deficient and that the Commission requires additional

² *ISO New England Inc.*, 121 FERC ¶ 61,105 (2007).

³ 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.

⁴ *NextEra Energy, Inc. and Dominion Energy, Inc.*, Application for Authorization Under Section 203 of the Federal Power Act and Requests for Confidential Treatment and Limited Waivers of Certain Filing Requirements, Docket No. EC26-131-000 (July 15, 2026).

⁵ Application at 13.

information to process it.⁶ The Deficiency Letter further states that “the Application will not be a completed application for the purpose of section 33.11(a) of the Commission’s regulations, 18 C.F.R. § 33.11(a) (2025), until the information requested in this letter is submitted.”⁷

III. COMMENTS

NESCOE has deep concerns regarding the Applicants’ filing, as the proposed Transaction would concentrate an unprecedented amount of leverage in NextEra. Shortly after the Applicants filed the Application, NESCOE released a statement expressing concerns about the Transaction and its impact on New England (the “Joint Statement”).⁸ In the Joint Statement, NESCOE observed that the the combined entity would concentrate a significant amount of gas, nuclear, renewable, and battery storage assets into a single company.⁹ NextEra and Dominion each have a problematic history in the region—NextEra has a prior history of using its already-considerable resources to obstruct New England Clean Energy Connect (“NECEC”) project and Dominion has used its leverage to seek out-of-market payments.¹⁰ For these reasons, NESCOE expressed deep concern that the Transaction would provide extraordinary leverage to a single entity and create a potential incentive and means for that entity to engage in similar behavior in the future.¹¹

⁶ *NextEra Energy, Inc. and Dominion Energy, Inc.*, Federal Energy Regulatory Commission Office of Energy Market Regulation Deficiency Letter, Docket No. EC26-131-000 (September 23, 2026) (“Deficiency Letter”) at 2.

⁷ *Id.* at 7.

⁸ NESCOE, Joint Statement of the New England States, Through NESCOE, Expressing Deep Concern with NextEra Energy’s Proposed Acquisition of Dominion Energy, <https://nescoe.com/resource-center/nextera-dominion-statement/>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

NESCOE continues to have the significant concerns with the Transaction that it articulated in the Joint Statement.¹² These concerns are reinforced by comments from the ISO-NE internal market monitor (“IMM”) filed in this proceeding. The IMM notes, among other concerns, that its “analysis indicates that the merged portfolio would have substantial incentives to withhold capacity under a range of market conditions, creating risks to competitive price formation and increasing costs to consumers.”¹³ Accordingly, NESCOE continues to believe that the Transaction should receive the highest level of scrutiny. Such scrutiny, however, is only possible with sufficient information from the Applicants. Given that the Commission’s Office of Energy Market Regulation has deemed the Application deficient and incomplete,¹⁴ NESCOE looks forward to reviewing additional information from the Applicants and reserves the right to make an additional filing following a review of any amended filing the Applicants may make in response to the Deficiency Letter.¹⁵

IV. CONCLUSION

NESCOE respectfully requests that the Commission consider these comments.

¹² *Id.*

¹³ *NextEra Energy, Inc. and Dominion Energy, Inc.*, Comments of the Internal Market Monitor for ISO-New England, Docket No. EC26-131-000 (Sept. 29, 2026) at 3.

¹⁴ *See generally* Deficiency Letter; *see also* Joint Motion at 2 (“The Commission has determined that it cannot reasonably evaluate the Application without the additional information it has identified; the same applies for the parties intending to comment.”).

¹⁵ Deficiency Letter at 7 (“A notice of amendment will be issued upon receipt of your response.”).

Respectfully Submitted,

On behalf of NESCOE:

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Date: September 29, 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 29th day of September, 2026.

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