

United States Senate

WASHINGTON, DC 20510

September 25, 2018

Chairman Kevin McIntyre
Federal Energy Regulatory Commission
888 First Street, Northeast
Washington, D.C. 20426

Re: Docket No. ER18-2208

Dear Chairman McIntyre:

We write to you with concerns regarding the New England Power Pool Participants Committee's (NEPOOL) recent filing ER 18-2208 with the Federal Energy Regulatory Commission (FERC). On August 13, 2018, NEPOOL filed two membership amendments to its Participants Agreements that would formally ban individual members of the press from attending stakeholder meetings¹. These changes to NEPOOL's Participation Agreement would significantly diminish the public's access to policy makers' deliberations, which directly affect New England consumers. We are concerned that this will restrict transparency in a forum where New England's market reforms are developed, deliberated, and voted upon.

As you know, NEPOOL is the rate-payer funded stakeholder forum that develops and votes on wholesale market rules and tariff changes delegated by the Independent System Operators of New England (ISO-NE), a FERC authorized entity. The NEPOOL Participants Agreement, which this filing seeks to amend, is meant to be reflective of the interests of everyone affected by electricity policy in New England.

NEPOOL is already the sole entity among similar ISOs or regional transmission organizations (RTOs) across the United States to informally block the public and the press from its meetings.² NEPOOL argues in its filing that permitting members of the press to participate as full members would "adversely impact NEPOOL's ability to continue to foster candid discussions and negotiations in stakeholder meetings" – a claim that is neither supported nor justified. Although NEPOOL does publicly release documents, including meeting minutes and official records, both in advance and after meetings take place, this cannot be considered a substitute for membership.

¹ ROT Insider, LLC. "Protest of ROT Insider LLC." Federal Energy Regulatory Commission. Accessed September 25, 2018. <https://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=14997310>

² Ibid.

Residents of New England pay some of the highest electricity rates across the country.³ Consumers deserve to be aware of the important decisions that are made that affect their household energy bills and the environment. Such decisions should be transparent and subject to public scrutiny.

FERC is obligated by statute to ensure fairness⁴ and competition⁵ in the electricity market. Approval of these proposed amendments could have significant impact on and set precedent for stakeholder participation in electricity market entities, and not only in New England. Formal exclusion of stakeholders from decision-making in NEPOOL would be in stark contrast to FERC Order 719, which sought to increase and not hinder responsiveness to stakeholders across all RTOs.

We urge you to reject NEPOOL's proposed amendments. In New England and around the country, it is essential that the deliberation process be kept open to all who are affected by these decisions.


Sincerely,



RICHARD BLUMENTHAL
United States Senate



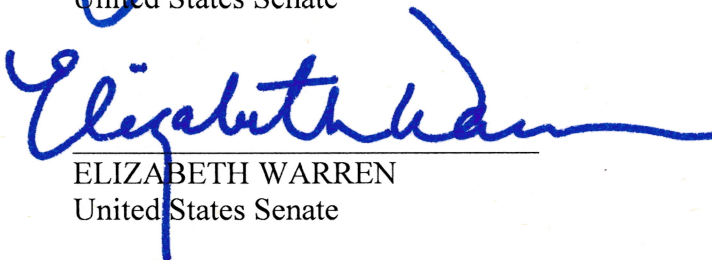
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ELIZABETH WARREN
United States Senate



JEANNE SHAHEEN
United States Senate

³ Hansen, Lee R. "Factors Behind Connecticut's High Electricity Rates." Connecticut General Assembly Office of Legislative Research. Accessed September 25, 2018. <https://www.cga.ct.gov/2015/rpt/2015-R-0108.htm>.

⁴ 16 U.S.C. 824e, 16 U.S.C. 824e

⁵ The Public Utility Regulatory Policies Act of 1978 (P.L. 95-617, 92 Stat. 3117); the Energy Policy Act of 1991 (P.L. 102-486, 42 USC 13385); the Energy Policy Act of 2005 (P.L. 109-58, 119 STAT. 594)