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September 19, 2024

The Honorable Joe Manchin
Chairman
Committee on Energy and Natural Resources
U.S. Senate
Washington, DC 20510

The Honorable Cathy McMorris Rodgers
Chair
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable John Barrasso
Ranking Member
Committee on Energy and Natural Resources
U.S. Senate
Washington, DC 20510

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Re: FERC Ignores Legal Complaint Filed Over Two Years Ago by Consumers – Puts \$8 Billion in MISO Consumer Savings at Risk

Dear Chairs Manchin and Rodgers and Ranking Members Barrasso and Pallone:

The Federal Power Act is first and foremost a consumer protection act. Despite this, we have not seen FERC act on behalf of consumers and just and reasonable rates. On September 19, 2024, the Industrial Energy Consumers of America (IECA) filed supplemental comments which request FERC act upon a Complaint filed over two years ago.¹ FERC's inaction puts \$8 billion in consumer savings at risk in MISO states (AR, IL, IN, IA, KY, LA, MI, MN, MS, MO, MT, ND, SD, WI). FERC also failed to protect consumers in Rule 1920, the rule released on May 13, 2024 "Building for the Future Through Electric Regional Transmission Planning and Cost Allocation." Instead of protecting consumers, FERC developed a Right-Sizing "right of first refusal" (ROFR) loophole for incumbent monopoly electric utilities to avoid competition. We urge Congressional oversight.

Despite escalating transmission costs that have caused electricity price inflation to exceed the Consumer Price Index in 18 of 20 months, and that FERC has forecasted increases in decades to come, FERC has not ruled on the complaint that was filed on July 22, 2022.

Given MISO's current plan to approve \$21 billion to \$27 billion in new transmission projects via Tranche 2.1 of MISO's Long Range Transmission Plan in December 2024, the manufacturing industries have urged FERC to act on the Complaint with haste. A lot of

¹ IECA Files FERC Supplemental Comments – MISO ROFR Law Complaint, Industrial Energy Consumers of America, September 19, 2024, https://www.ieca-us.org/wp-content/uploads/09.19.24_Consumer-Alliance-Supplemental-Comments-Status-Update-MISO-ROFR-Law-Complaint-EL22-78.pdf

these transmission projects will be paid for by regional consumers and should therefore be subject to competition to reduce costs. Competitively bid projects have reduced costs by 25-30 percent and significantly increased accountability, including getting them built on time.

Sincerely,

Paul Cicio

Paul Cicio

President & CEO

cc: Senate Committee on Energy and Natural Resources
House Committee on Energy and Commerce
U.S. Senate
U.S. House of Representatives
The Honorable Willie L. Phillips, FERC
The Honorable Mark C. Christie, FERC
The Honorable David Rosner, FERC
The Honorable Lindsay S. See, FERC
The Honorable Judy Chang, FERC
The Honorable Jennifer Granholm, DOE

The Industrial Energy Consumers of America is a nonpartisan association of leading manufacturing companies with \$1.3 trillion in annual sales, over 12,000 facilities nationwide, and with more than 1.9 million employees worldwide. It is an organization created to promote the interests of manufacturing companies through advocacy and collaboration for which the availability, use and cost of energy, power or feedstock play a significant role in their ability to compete in domestic and world markets. IECA membership represents a diverse set of industries including: chemicals, plastics, steel, iron ore, aluminum, paper, food processing, fertilizer, insulation, glass, industrial gases, pharmaceutical, consumer goods, building products, automotive, independent oil refining, and cement.