

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

**North American Electric  
Reliability Corporation**

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**Docket No. RD25-7-000**

**MOTION TO INTERVENE AND COMMENTS OF THE  
ISO/RTO COUNCIL**

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission’s (“FERC” or the “Commission”) Rules of Practice and Procedure,<sup>1</sup> and the Secretary’s April 10, 2025 Combined Notice of Filings in this proceeding,<sup>2</sup> the ISO/RTO Council (“IRC”)<sup>3</sup> respectfully submits this Motion to Intervene and Comments regarding the April 10, 2025 Petition of the North American Electric Reliability Corporation (“NERC”) for approval of proposed Reliability Standard EOP-012-3.<sup>4</sup>

**I. MOTION TO INTERVENE**

The IRC respectfully moves to intervene in this proceeding, pursuant to Rules 212 and 214. The IRC’s membership includes the Independent System Operators (“ISOs”) and Regional Transmission Organizations (“RTOs”) of North America. By sharing innovative ideas and real-world best practices, IRC members work together to build a smarter and more efficient electric

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<sup>1</sup> 18 C.F.R. §§ 385.212, 385.214.

<sup>2</sup> *N. Am. Elec. Reliability Corp.*, Notice of the Secretary, Docket No. RD25-7-000, at 5 (Apr. 10, 2025) (establishing a comment date of May 12, 2025).

<sup>3</sup> For purposes of this pleading, the IRC comprises the following independent system operators (“ISOs”) and regional transmission organizations (“RTOs”): California Independent System Operator (“CAISO”); Electric Reliability Council of Texas, Inc. (“ERCOT”); ISO New England Inc. (“ISO-NE”); Midcontinent Independent System Operator, Inc. (“MISO”); New York Independent System Operator, Inc. (“NYISO”); PJM Interconnection, L.L.C. (“PJM”); and Southwest Power Pool, Inc. (“SPP”). ERCOT joins this filing but wishes to note that generators operating in the ERCOT region are now subject to weatherization standards adopted by the Public Utility Commission of Texas (“PUCT”) (*See* 16 Tex. Admin. Code § 25.55). ERCOT will ultimately defer to the judgment of the PUCT and the Texas Legislature as to the appropriate weatherization standard in the ERCOT region.

<sup>4</sup> *N. Am. Elec. Reliability Corp.*, Petition of the North American Electric Reliability Corporation, Docket No. RD25-7-000 (Apr. 10, 2025) (hereafter, the “NERC Petition”).

grid that is well-prepared to serve the North American power market and its consumers, today and tomorrow. The IRC members are subject to NERC mandatory reliability standards in their individual capacities and play an important and unique role in maintaining electric reliability in North America, including, but not limited to, carrying out the essential reliability functions of Reliability Coordinator, Transmission Operator, and/or Balancing Authority. The IRC has a direct, substantial, independent, and vital interest in the implementation of EOP-012-3 that cannot be adequately represented by any other party. Accordingly, the IRC moves to intervene in this proceeding and requests party status.

## **II. COMMENTS**

The IRC recognizes and appreciates the considerable work of the Standard Drafting Team, NERC management, and NERC staff in reforming EOP-012—a cold-weather reliability standard that the IRC deems a critical component to promoting reliability of the Bulk Electric System (“BES”) in North America. The IRC also commends the Commission for considering the concerns that the IRC expressed on prior versions of EOP-012 and directing changes that will undoubtedly improve the standard and overall BES reliability. The IRC, acting through its Standards Review Committee, actively participated in the EOP-012-3 standard development process and proposed specific solutions to address various issues with the revised standard. The IRC acknowledges that the presently proposed standard is compliant with the Commission’s June 2024 Order<sup>5</sup> and, accordingly, does not oppose EOP-012-3 as presented in the NERC Petition.

However, the Commission should clarify its expectation with respect to one particular component of EOP-012-3. Specifically, Attachment 1 of EOP-012-3 describes the criteria by which Generator Owners and Compliance Enforcement Authorities (“CEAs”) will determine the

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<sup>5</sup> *N. Am. Elec. Reliability Corp.*, 187 FERC ¶ 61,204 (2024) (hereafter, the “June 2024 Order”).

applicability and validity of a Generator Cold Weather Constraint under Requirements R2, R6, and R7. As relevant here, criteria 5(a) and 5(b) require the Generator Owner and CEA to make:

5. A determination, through an analysis, that the implementation of a specific freeze protection measure or measures would adversely affect the reliability of the Bulk Power System to an extent that outweighs the reliability benefit of applying the freeze protection measure(s). For example:
  - a. The implementation of freeze protection measures, while feasible, would result in the accelerated premature retirement of an existing generating unit with no acceptable replacement available within the accelerated timeframe (must be accompanied by an attestation signed by an officer of the company);
  - b. The implementation of freeze protection measures would cause the Generator Owner to cancel plans to finish the development of a new generating unit (must be accompanied by an attestation signed by an officer of the company);

Under criteria 5(a) and 5(b), as currently drafted, Generator Owners and CEAs may not, on their own, have the information necessary to make an informed attestation and determination that there is no “acceptable replacement available within the accelerated timeframe,” or that winterization would “cause the Generator Owner to cancel plans to finish the development of a new generating unit.” Moreover, individual Generator Owners would make these determinations,

making them highly subjective,<sup>6</sup> which could lead to potential inconsistencies in the implementation of the constraint declaration process.<sup>7</sup>

The Commission should recognize the need for additional work to ensure that appropriate and effective compliance mechanisms are established as part of the implementation of the revised standard. To guide this important compliance task, the IRC requests that the Commission, in its order on EOP-012-3 in this proceeding, clarify its expectation that NERC's criteria for reviewing Generator Cold Weather Constraint declarations must be objectively documented, with clear guidance from NERC as to the type of documentation that would be needed to support constraint declarations. Among other things, this guidance would need to address the role played by publicly available data and analysis of Balancing Authorities and other functional entities regarding resource adequacy and transmission limitations.

This modest clarification by the Commission will provide requisite guidance that would create a "best practice" presumption that incentivizes Generator Owners and CEAs to draw upon publicly available reliability data to support their attestations and determinations that winterization "would result in the accelerated premature retirement of an existing generating unit with no acceptable replacement available within the accelerated timeframe," or "would cause the

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<sup>6</sup> For example, regarding criterion 5(a), to make an effective determination of whether "acceptable replacements" exist into a future period and whether an "accelerated premature retirement" would truly occur, a Generator Owner and CEA would likely need to examine the cost of the freeze protection measures, forecasts of future energy prices, and commercially sensitive data about unit operating costs and profitability to determine whether winterizing the unit would truly be uneconomic over the unit's future remaining life. The analysis would also likely need to consider any across-the-board electricity price impacts that could result from competitors of that unit attempting to pass through the costs of similar weatherization work. Such price increases could offset the costs of implementing freeze protection measures, making it difficult to effectively review a determination that the requirement to implement the winterization measure would result in accelerated premature retirement. Regarding criterion 5(b), decisions to cancel a unit would likely be based on many factors that the Generator Owner and CEA would need to consider, including changes to the underlying economics of developing the unit, regulatory changes, changes in trade (tariff) policy, and market and financing conditions.

<sup>7</sup> Applications seeking Generator Cold Weather Constraints will not be public, leading to further challenges to ensuring constraints are consistent, objective, and narrow.

Generator Owner to cancel plans to finish the development of a new generating unit.” Such clarity will assist both Generator Owners in attesting to the existence of a Generator Cold Weather Constraint and CEAs in assessing such attestations. And, more importantly, it will ensure that the constraint process remains limited and well documented, so that declarations of constraints do not overtake the overall goal of the standard itself to ensure widespread and effective winterization of the generation fleet in order to ensure reliability. For these reasons, the IRC requests that the Commission underscore in its order the need for NERC to develop clear guidelines that will ensure consistency, objectivity, and auditability of Generator Cold Weather Constraint declarations.

### III. CONCLUSION

In accordance with the foregoing, the IRC respectfully requests that the Commission grant this Motion to Intervene, accept these Comments into the record of this proceeding, and provide the requested clarification, as described above.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document on each person designated on the service list compiled by the Secretary in these proceedings.

Dated at Audubon, PA on this 12th day of May 2025.

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