

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

Center for Biological Diversity )

Docket No. RM21-15-000

**COMMENTS OF WIRES**

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission’s (“FERC” or “Commission”) Rules of Practice and Procedure,<sup>1</sup> and the Commission’s March 25, 2021 Notice of Petition for Rulemaking (“Petition”), WIRES submits the following comments in response to the Center for Biological Diversity’s (“Petitioner”) Petition for Rulemaking (“Petition”).<sup>2</sup>

**I. COMMUNICATIONS**

In accordance with Rule 203(b)(3) of the Commission’s Rules of Practice and Procedure, all communications and correspondence regarding these proceedings should be directed to:

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<sup>1</sup> 18 C.F.R. §§ 385.212 and 214 (2021).

<sup>2</sup> Center for Biological Diversity, Notice of Petition for Rulemaking, Docket No. RM21-15-000 (Mar. 25, 2021).

## II. INTRODUCTION

WIRES is an international non-profit trade association of investor-, publicly-, and cooperatively-owned transmission providers and developers, transmission customers, regional grid managers, and equipment and service companies.<sup>3</sup> WIRES promotes investment in electric transmission and consumer and environmental benefits through development of electric transmission infrastructure.<sup>4</sup> Since its inception, WIRES has focused on supporting investment in needed and beneficial transmission infrastructure – investments that Congress and the Commission have recognized are critical to establish a resilient, reliable, cost-effective, modern, and clean bulk power system.

On March 17, 2021, the Petitioner filed the instant Petition requesting that the Commission amend the Uniform System of Accounts requirements for payments to industry associations engaged in lobbying or other influence-related activities. In particular, the Petition requested that utilities be required to record dues paid to all industry associations in Account 426.4 rather than Account 930.2.<sup>5</sup> WIRES submits the following comments in response to the Petition.<sup>6</sup>

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<sup>3</sup> WIRES is a tax-exempt trade association under section 501(c)(6) of the Internal Revenue Code.

<sup>4</sup> For more information about WIRES, please visit [www.wiresgroup.com](http://www.wiresgroup.com).

<sup>5</sup> Petition at pp. 15-22.

<sup>6</sup> This filing is supported by the full supporting members of WIRES but does not necessarily reflect the views of the RTO/ISO associate members of WIRES.

### III. COMMENTS

#### **A. The Commission's Existing Rules Appropriately and Adequately Account for Utility Recovery of Trade Association Dues.**

The Petition specifically requests that the Commission initiate a rulemaking proceeding to modify the Uniform System of Accounts (“USofA”) to require utilities to record dues paid to industry associations in Account 426.4 instead of Account 930.2, as they are now.<sup>7</sup> The request appears to be based on the concern that under the current rules, ratepayers could pay costs associated with lobbying and/or political activities. The request however misses the mark, as, at least in the case of WIRES, it aims to address a problem that does not exist.

At the outset, it is important to note that WIRES is not a lobbying organization. To the extent any of its activities arguably were to fall within the scope of lobbying expenses, if there were any, the costs and expenses associated with such activities would be separately tracked by WIRES and that information would be provided to its members.

In any event, the Commission's longstanding determination as to how electric utilities should account for and include expenses in Account 930.2 is well-reasoned and provides transparency as to such costs.

As Petitioner openly acknowledges, the Commission has long recognized that costs for certain activities, such as charitable donations, political activities, and lobbying costs are not recoverable from ratepayers and has established accounts for tracking those

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<sup>7</sup> Petition at 1-2.

expenditures.<sup>8</sup> As Petitioner has failed to demonstrate either that existing Commission procedures are inadequate or are inconsistent with Commission precedent, the petition should be denied.

**B. Granting the Petition Would Jeopardize the Broad Benefits to Consumers and the Industry Provided by Organizations Like WIRES.**

The Commission has long recognized the value of perspectives from industry organizations such as WIRES, particularly in considering matters with broad policy implications.<sup>9</sup> WIRES provides a significant range of benefits to those who depend on and seek to promote a reliable, resilient, and clean grid. The mission of WIRES and its members is to promote investment in the North American electric transmission system, robust and effective transmission solutions to economic, environmental, and reliability challenges, and the reduction or elimination of uneconomic barriers to transmission development. This mission is accomplished through the development and dissemination of information, strategic advocacy, and innovation in regulatory, policymaking, industry, and educational forums.

In particular, WIRES works to advance the understanding by the public and its representatives of the unique importance of the electric grid and the challenges that slow or prevent its upgrade or expansion in the public interest. WIRES actively supports and

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<sup>8</sup> Petition at pp 5-8.

<sup>9</sup> See *Am. Elec. Power Serv. Corp.*, 120 FERC ¶ 61,265 at P 9 (2007) (granting late intervention “[w]here membership associations meet the standard of Rule 214, [the Commission] should encourage informed pleadings...” See also *S. Nat. Gas Co.*, 130 FERC ¶ 61,193 at PP 5-7 (granting later intervention and noting that the trade association “is able in this proceeding to present [its members’] common views regarding an issue of continued significance for the industry”).

advances cooperation and collaboration among government, industry, and financial institutions in pursuit of energy diversity, access to clean energy supplies, electric reliability, and lower cost power through transmission solutions.

WIRES works to advance effective and timely regional and inter-regional planning procedures and regulations that strengthen and modernize the transmission grid to promote and enhance consumer benefits from improved reliability, operational flexibility, cost-effective electricity, access to new generation including renewable energy, and system security.

WIRES also actively promotes state and federal policies that (a) support transmission investment and capital attraction, reduce business, financial and regulatory risk and provide greater certainty for investors, (b) diminish unreasonable and uneconomic barriers to transmission development, (c) favor competitive bulk power markets, reduce transmission congestion, and improve customer access to all sources of electric generation, including renewable resources, and (d) lead to consistent and efficient regional and inter-regional transmission solutions.

WIRES advocates for efficient and collaborative regional, local, state, and federal facilities siting processes and procedures that take account of the interests of all stakeholders, are sensitive to environmental concerns, and ensure beneficial and timely infrastructure investments. WIRES also works aggressively to advance the equitable,

economically justified, practical, and where appropriate, broad allocation of the costs of transmission facilities and operations across the shared transmission network.

WIRES accomplishes all of these objectives through a variety of means. WIRES undertakes a variety of educational efforts to inform its members, policymakers, the industry, and the public, on timely and important transmission issues. WIRES organizes and hosts numerous transmission-focused meetings, discussion panels, and webinars throughout each year that feature notable subject matter experts and influential speakers. WIRES also conducts or funds transmission and technology studies and reports and provides briefings that educate policymakers and the public. WIRES also serves as an educational resource by collecting and disseminating industry reports that impact transmission issues. WIRES and its representatives also actively and regularly participate in a variety of clean energy, reliability, state regulatory, legal and other industry meetings and events to provide an informed perspective on transmission issues.

In addition, WIRES follows and actively participates in regulatory proceedings by submitting comments, studies, and testimony on relevant legislative and regulatory proposals and policy matters before FERC, Congress, DOE, the ITC, and other relevant federal, state and provincial agencies.

All of these beneficial activities could be undercut and potentially jeopardized by the Petitioner's proposed rulemaking. Moreover, given WIRES' mission and focus, the Petition could have the collateral impact of dis-incenting much needed transmission and

infrastructure investment; investment that is critical to creating quality, family-supporting jobs and building a cleaner, more reliable, and more resilient energy grid.

#### **IV. CONCLUSION**

For the foregoing reasons, WIRES urges the Commission to deny the Petition.

Respectfully submitted,

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/s/ Larry Gasteiger

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April 26, 2021

## CERTIFICATE OF SERVICE

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

Dated at Washington, D.C. this 26th day of April 2021.

/s/ Larry Gasteiger

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