

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

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| Electric Transmission Incentives Policy Under |) | |
| Section 219 of the Federal Power Act |) | Docket No. RM20-10-000 |
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MOTION FOR EXTENSION OF TIME

Pursuant to Rules 212 and 2008 of the Federal Energy Regulatory Commission’s (“FERC” or the “Commission”) Rules of Practice and Procedure¹ and the Notice Granting Extension of Time,² the Industrial Energy Consumers of America (“IECA”), Aluminum Association, Inc., American Chemistry Council (ACC), American Forest & Paper Association (AF&PA), American Foundry Society (AFS), American Fuel & Petrochemical Manufacturers, American Iron and Steel Institute, Associated Industries of Arkansas, Association of Businesses Advocating Tariff Equity (ABATE), California Large Energy Consumers Association (CLECA), California Manufacturers & Technology Association, CalPortland Company, Carolina Industrial Group for Fair Utility Rates (CIGFUR) I, II & III, Carolina Utility Customers Association (CUCA), Carpenter Technology Corporation, Chemistry Council of New Jersey, Clearwater Paper Corporation, Coalition of MISO Transmission Customers, Connecticut Industrial Energy Consumers (CIEC), Domtar Corporation, Electricity Consumers Resource Council (ELCON), Ellwood Quality Steels, Evonik Corporation, Fertilizer Institute, Flex-N-Gate, Florida Industrial Power Users Group (FIPUG), Ford Motor

¹ 18 C.F.R. §§ 385.212 and 385.2008.

² Extension of Non-Statutory Deadlines, Notice Granting Extension of Time, Docket No. AD20-11-000 (March 19, 2020) (“March Notice”).

Company, Gerdau, Glass Packaging Institute (GPI), Illinois Industrial Energy Consumers (IIEC), Indiana Industrial Energy Consumers, Inc. (INDIEC), Industrial Energy Consumers of Pennsylvania (IECPA), Industrial Energy Users-Ohio, Industrial Minerals Association – North America (IMA-NA), Ingevity Corporation, Iowa Industrial Energy Group, Inc. (IIEG), Kimberly-Clark Corporation, Kentucky Industrial Utility Customers (KIUC), LafargeHolcim, Louisiana Chemical Association, Maine Industrial Energy Consumer Group (IECG), Messer Americas, Michigan Chemistry Council, Michigan Industrial Energy Association (MIEA), Midwest Food Products Association, National Council of Textile Organizations (NCTO), National Stone, Sand & Gravel Association, Ohio Energy Group (OEG), Ohio Manufacturers’ Association Energy Group (OMAEG), Oklahoma Industrial Energy Consumers (OIEC), Olin Corporation, Pennsylvania Energy Consumers Association (PECA), PJM Industrial Customer Coalition, Portland Cement Association (PCA), South Carolina Energy Users Committee (SCEUC), Steel Manufacturers Association (SMA), TimkenSteel Corporation, Tyson Foods, US Silica Company, Utah Association of Energy Users (UAE), WestRock Company, West Virginia Energy Users Group (WVEUG), Western Kansas Industrial Energy Consumers, and Wisconsin Industrial Energy Group (collectively, “American manufacturers”) respectfully request an extension of the current July 1, 2020 comment deadline in the notice of proposed rulemaking proceeding regarding changes to the Commission’s transmission incentives policy in the above-captioned docket.³ For the reasons below, good cause exists to extend the comment deadline to the later of sixty days after the conclusion of the national emergency related to the COVID-19 health pandemic or October 1, 2020.

³ *Electric Transmission Incentives Policy Under Section 219 of the Federal Power Act, Notice of Proposed Rulemaking*, 170 FERC ¶ 61,204 (2020) (“Incentives NOPR”).

BACKGROUND

On March 13, 2020, President Trump proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020.⁴ In response to this national emergency proclamation, the Commission issued a notice extending non-statutory deadlines for regulated entities. According to the Commission’s March 19, 2020, notice: “*Regulated entities* have taken steps to protect the health and safety of their employees and the public, and to help mitigate or slow the transmission of the novel coronavirus within their communities.”⁵ Recognizing the “potential impact these steps have on meeting regulatory requirements,” the Commission extended certain deadlines, including deadlines for rulemaking comments, arising on or before May 1, “for those entities that are unable to meet deadlines due to steps they have taken to meet the emergency conditions” related to COVID-19.⁶ Finally, the Commission further stated, “Entities seeking extensions of other deadlines....as well as further extension for the required filings identified above, may file motions seeking extensions in such proceedings, as appropriate.”⁷

On March 20, 2020, precisely a week after President Trump made the national emergency declaration, the Commission issued the Incentives NOPR, which sets forth proposed changes to regulations implementing Section 219 of the Federal Power Act to reflect changes in transmission development and planning. The Incentives NOPR proposes the most significant changes to the Commission’s transmission incentives policy in more than a decade.

⁴ Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, The White House (March 13, 2020) *available at*: <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>.

⁵ Extension of Non-Statutory Deadlines, Notice Granting Extension of Time, Docket No. AD20-11-000 (March 19, 2020) (“March Notice”) (emphasis added).

⁶ March Notice at 1.

⁷ *Id.* at 2.

I. MOTION

The national emergency caused by the COVID-19 outbreak has impacted every segment of the U.S. economy. American manufacturers are certainly no exception. The COVID-19 pandemic has resulted in almost weekly changes to applicable laws, rules, and regulations at the federal, state, and local levels. Just like the regulated entities referenced in the Commission's March Notice, American manufacturers have spent the last few weeks developing and implementing measures to protect the health and safety of their employees and the public, as well as to help mitigate or slow the transmission of COVID-19 within their communities. In addition, some manufacturers are experiencing an unexpected surge in demand for critically necessary equipment and products, while others are attempting to address significant business disruptions and slowdowns stemming from COVID-19. In both cases, the unprecedented emergency conditions resulting from COVID-19 facing American manufacturers are necessitating the dedication of both human and financial resources to matters pertaining to public health, employee safety, and the financial viability of their businesses and, therefore, are impacting American manufacturers' ability to participate fully in an Incentives NOPR proceeding that will have significant and likely adverse financial consequences to them perhaps for a decade or more. To this end, American manufacturers and other supporting parties seek an extension of time to meaningfully consider and submit comments on the Incentives NOPR. There is no indication that extending the comment deadline will adversely impact continued investment in transmission infrastructure or transmission owners' access to capital for such investments.

The Commission issued the Incentives NOPR shortly following the President's national emergency declaration. The Incentives NOPR proposes significant reforms to the Commission's transmission incentives policy. Based on preliminary projections, the proposed reforms will result

in increases to customers' transmission costs, which have already been escalating rapidly in recent years. In fact, electric transmission costs are the manufacturing sectors' single largest increased energy-related costs for the past decade. Moreover, any changes resulting from this rulemaking proceeding will likely remain in place for many years, if not decades. Due to the potentially financially significant impact and likely long-term nature of any reforms resulting from the Incentives NOPR proceeding, an opportunity to actively and meaningfully participate is critically important to American manufacturers. Given the nearly parallel timetable of the COVID-19 national emergency and the commencement of the Incentives NOPR proceeding, however, American manufacturers have been forced to focus their attention on the former. While the national state of emergency remains in place, American manufacturers anticipate the need to maintain their primary focus on the myriad issues related to COVID-19.

Accordingly, American manufacturers respectfully submit that good cause exists for an extension of time to file comments in this docket. American manufacturers respectfully request that the Commission establish a comment deadline that is the later of sixty days after the date on which the national state of emergency is lifted or October 1, 2020.

II. CONCLUSION

WHEREFORE, American manufacturers respectfully request that the Commission grant this motion and extend the comment deadline in the Incentives NOPR proceeding to the later of sixty days after the conclusion of the national emergency related to the COVID-19 health pandemic or October 1, 2020.

Respectfully submitted,

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And on behalf of:

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American Forest & Paper Association (AF&PA)
American Foundry Society (AFS)
American Fuel & Petrochemical Manufacturers
American Iron and Steel Institute
Associated Industries of Arkansas
Association of Businesses Advocating Tariff Equity
(ABATE)
California Large Energy Consumers Association
(CLECA)
California Manufacturers & Technology
Association
CalPortland Company
Carolina Industrial Group for Fair Utility Rates
(CIGFUR) I, II & III
Carolina Utility Customers Association (CUCA)
Carpenter Technology Corporation
Chemistry Council of New Jersey
Clearwater Paper Corporation
Coalition of MISO Transmission Customers
Connecticut Industrial Energy Consumers (CIEC)
Domtar Corporation
Electricity Consumers Resource Council (ELCON)
Ellwood Quality Steels
Evonik Corporation
Fertilizer Institute
Flex-N-Gate
Florida Industrial Power Users Group (FIPUG)
Ford Motor Company
Gerdau
Glass Packaging Institute (GPI)
Illinois Industrial Energy Consumers (IIEC)
Indiana Industrial Energy Consumers, Inc.
(INDIEC)

Industrial Energy Consumers of Pennsylvania (IECPA)
Industrial Energy Users-Ohio
Industrial Minerals Association – North America (IMA-NA)
Ingevity Corporation
Iowa Industrial Energy Group, Inc. (IIEG)
Kimberly-Clark Corporation
Kentucky Industrial Utility Customers (KIUC)
LafargeHolcim
Louisiana Chemical Association
Maine Industrial Energy Consumer Group (IECG)
Messer Americas
Michigan Chemistry Council
Michigan Industrial Energy Association (MIEA)
Midwest Food Products Association
National Council of Textile Organizations (NCTO)
National Stone, Sand & Gravel Association
Oklahoma Industrial Energy Consumers (OIEC)
Ohio Energy Group (OEG)
Ohio Manufacturers' Association Energy Group (OMAEG)
Olin Corporation
Pennsylvania Energy Consumers Association (PECA)
PJM Industrial Customer Coalition
Portland Cement Association (PCA)
South Carolina Energy Users Committee (SCEUC)
Steel Manufacturers Association (SMA)
TimkenSteel Corporation
Tyson Foods
US Silica Company
Utah Association of Energy Users (UAE)
WestRock Company
West Virginia Energy Users Group (WVEUG)
Western Kansas Industrial Energy Consumers
Wisconsin Industrial Energy Group

Dated: April 29, 2020

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, DC this 29 day of April 2020.

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