

stance, urged FERC in an October 17 letter to reject “this ill-conceived proposed rule,” suggesting that it is “likely to



Cantwell

lead to higher prices for tens of millions of consumers, producing the opposite result of what consumers expect in competitive markets.” Other signatories of the letter included Sens. Tammy Duckworth (D., Ill.), Al Franken (D., Minn.), Martin Heinrich (D., N.M.), Mazie Hirono (D., Hawaii), Angus King (I., Maine), Debbie Stabenow (D., Mich.), Ed Markey (D., Mass.), Jeff Merkley (D., Ore.), Sheldon Whitehouse (D., R.I.), and Ron Wyden (E., Ore.).

The RTO/ISO Council asked FERC to dismiss the proposal as well, as did a number of council members, including NYISO, ISO-NE, and MISO (in joint comments), and, in separate comments, PJM Interconnection. In its 76-page filing with FERC, PJM claimed that the proposal “takes observations about overall changes in the resource mix across the nation as the basis for a sweeping and unsupported conclusion that, solely in regions with capacity and energy markets, certain units,

regardless of their location, performance history, or competitiveness, deserve full cost recovery through out-of-market mechanisms.” Among other things, PJM argues that the proposal is inconsistent with the DOE’s own recent findings and recommendations on the subjects of fuel security, grid resilience, and RTO market price formation, and that the proposal contradicts “the plain fact that reliability generally has been well-served in regions with capacity and energy markets.”

Other notable critics of the proposal included a group of 12 industry associations—Advanced Energy Economy, American Biogas Council, American Council on Renewable Energy, American Petroleum Institute, American Wind Energy Association, Electric Power Supply Association, Electricity Consumers Resource Council, Energy Storage Association, Independent Petroleum Association of America, Interstate Natural Gas Association of America, Natural Gas Supply Association, and Solar Energy Industries Association—and a group of eight former FERC commissioners, three Republican and five Democratic. In their filing, the former commissioners—Betsy Moler, James Hoecker, Donald Santa, Linda Key Breathitt, Nora Mead Brownell, Pat Wood III, Joseph Kelliher, and Jon Wellingshoff—wrote that adopting the proposal “would

be a significant step backward from the commission’s long and bipartisan evolution to transparent, open, competitive markets” and would “disrupt decades of substantial investment made in the modern electric power system, raise costs for customers, and do so in a manner directly counter to the commission’s long experience.”

At this writing, action on the proposal by FERC was expected by December 11.

## CONGRESS

### Tax reform bill passes House with revised nuclear PTC

The Tax Cuts and Jobs Act (H.R. 1) passed the House of Representatives on November 16 by a 227–205 vote, with 13 Republicans voting against the bill and no Democrats voting in favor. A motion to reconsider was subsequently filed.

Introduced on November 2 by Rep. Kevin Brady (R., Texas), chairman of the House Ways and Means Committee, the bill includes revisions to the nuclear production tax credit (PTC) that would be particularly beneficial to the owners of the Vogtle expansion project still under way in Georgia. A portion of H.R. 1 amends the 2005 Energy Policy Act, which pro-

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