

117TH CONGRESS
2D SESSION

H. R. 8302

To direct the Federal Energy Regulatory Commission to issue a rule enhancing Regional Transmission Organization and Independent System Operator independence and responsiveness, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 7, 2022

Mr. CASTEN (for himself and Mr. WELCH) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Federal Energy Regulatory Commission to issue a rule enhancing Regional Transmission Organization and Independent System Operator independence and responsiveness, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Empowering RTO
5 Stakeholders Act of 2022”.

6 **SEC. 2. RTO AND ISO INDEPENDENCE.**

7 (a) **TECHNICAL CONFERENCE.**—Not later than 180
8 days after the date of enactment of this section, the Fed-

1 eral Energy Regulatory Commission shall convene a tech-
2 nical conference to consider Regional Transmission Orga-
3 nization and Independent System Operator independence,
4 and the responsiveness of RTOs and ISOs to their cus-
5 tomers and stakeholders, including the effectiveness of
6 stakeholder policies and procedures adopted in compliance
7 with Order 719, issued by the Commission on October 17,
8 2008, and published in the Federal Register on October
9 28, 2008, as the final rule entitled “Wholesale Competi-
10 tion in Regions with Organized Electricity Markets” (73
11 Fed. Reg. 64099).

12 (b) PARTICIPATION.—The technical conference shall
13 be led by members of the Commission, and the Commis-
14 sion shall invite participation from representatives of each
15 RTO and ISO, owners and operators of transmission fa-
16 cilities, owners and operators of electric generation facili-
17 ties, owners and operators of distributed energy genera-
18 tion systems, end-use customers, electric power marketers,
19 publicly owned electric utilities, consumer advocates, envi-
20 ronmental justice advocates, environmental groups, State
21 commissions, and such other stakeholders as the Commis-
22 sion determines appropriate.

23 (c) TOPICS.—In conducting the technical conference,
24 the Commission shall seek to identify policies and prac-
25 tices that maintain RTO and ISO independence, and en-

1 hance the responsiveness of RTOs and ISOs to their cus-
2 tomers and other stakeholders, taking into consider-
3 ation—

4 (1) the benefits of greater transparency in RTO
5 and ISO stakeholder processes, including access by
6 stakeholders to relevant data and written back-
7 ground materials;

8 (2) barriers to participation in such stakeholder
9 processes for new market participants and other
10 non-incumbent stakeholders;

11 (3) the need for periodic, independent review of
12 RTO and ISO stakeholder policies and procedures;

13 (4) power imbalances between incumbent and
14 non-incumbent stakeholders, including whether cur-
15 rent RTO and ISO membership rules, sectoral des-
16 ignations, and voting procedures allow for adequate
17 representation of all stakeholder views;

18 (5) whether and how RTOs and ISOs should
19 take State public policy objectives into consideration
20 as part of such stakeholder processes;

21 (6) whether existing RTO and ISO decision-
22 making processes are sufficiently independent from
23 the control of any market participant or class of par-
24 ticipants;

1 (7) the role of the Office of Public Participation
2 in facilitating greater stakeholder participation in
3 RTOs and ISOs; and

4 (8) such other subjects as the Commission con-
5 siders appropriate.

6 (d) PUBLIC COMMENT.—The Commission shall pro-
7 vide an opportunity for public comment on the technical
8 conference.

9 (e) RULEMAKING.—Not later than 12 months after
10 the conclusion of the technical conference, the Commission
11 shall issue a final rule adopting such policies and proce-
12 dures as the Commission determines necessary to main-
13 tain the independence of RTOs and ISOs, and to enhance
14 the transparency and responsiveness of RTOs and ISOs
15 to their customers and other stakeholders.

16 (f) DEFINITIONS.—In this section:

17 (1) COMMISSION.—The term “Commission”
18 means the Federal Energy Regulatory Commission.

19 (2) FEDERAL POWER ACT DEFINITIONS.—The
20 terms “electric utility”, “Independent System Oper-
21 ator”, “ISO”, “Regional Transmission Organiza-
22 tion”, “RTO”, and “State commission” have the
23 meanings given such terms in section 3 of the Fed-
24 eral Power Act (16 U.S.C. 796).

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