

CPower November 8, 2023 Comments to the Indiana Utility Regulatory Commission on the Implementation of FERC Order 2222

I. CPower Description

Enerwise Global Technologies, LLC, d/b/a CPower Energy Management (“CPower”) is an Aggregator of Retail Customers (“ARC”) participating in the PJM Interconnection, LLC (“PJM”) and Midcontinent Independent System Operator (“MISO”) wholesale electricity markets, and as an ARC operating in Indiana pursuant to applicable utility tariffs approved by the Indiana Utility Regulatory Commission (“IURC” or “Commission”). CPower participates in several Regional Transmission Organization and Independent System Operator (“RTO/ISO”) and distribution utility Distributed Energy Resource (“DER”) programs throughout the United States, and currently manages approximately 6.3GW of DER capacity.

II. CPower Comments

CPower appreciates the opportunity provided by the IURC to present during the Roundtable Meeting held on September 14, 2023, and the continuation of and opportunity to participate in the IURC’s stakeholder process surrounding implementation of Federal Energy Regulatory Commission (“FERC”) Order 2222. In lieu of participating in-person during the IURC Order 2222 Roundtable Meeting scheduled to be held on November 9, 2023, CPower respectfully submits these comments regarding next steps to be considered in the stakeholder process, for discussion during the meeting and for consideration by the IURC Commissioners and Staff, as well as other stakeholders.

Regarding next steps within the IURC stakeholder process, as CPower has stated both in our comments submitted on March 31, 2023¹ and highlighted during Mr. Schisler’s presentation during the September 14, 2023 meeting,² we recommend that the IURC take up the issue of demand response (“DR”) aggregation and participation by aggregators be addressed. CPower recommends that the IURC, either through its FERC Order 2222 stakeholder process or through a separate initiative (such as a docketed proceeding), look at the issue of the state opt out allowed under FERC Order’s 719³ and 719-A,⁴ as well as address the design issues and proposed solutions highlighted in both our comments with the current Indiana utility tariffs that allow for aggregator participation.

Working through these issues now, rather than later on in the process, will allow the IURC, Indiana utilities, DR aggregators, and other stakeholders to gain additional real world experience with aggregation of non-injecting resources that will help inform the ongoing work in the IURC’s FERC Order 2222 process. While FERC has issued a Notice of Inquiry⁵ concerning whether or not it should overturn the state opt out

¹ CPower March 31, 2023 Comments to the Indiana Utility Regulatory Commission on the Implementation of FERC Order 2222 (March 31, 2023), available at: https://www.in.gov/iurc/files/CPower-Comments-on-IURC-Implementation-of-Order-2222_20230331.pdf, (herein referred to as “March 31st Comments”).

² CPower Presentation to IURC Workshop – Implementation of FERC Order 2222 (September 14, 2023), available at: <https://www.in.gov/iurc/files/CPower-IURC-Order-2222-Workshop-20230914.pdf>, (herein referred to as “CPower Presentation”).

³ Order No. 719, 125 FERC ¶ 61,071 (2008); Codified at 18 C.F.R. §35.28(g)(1)(iii).

⁴ Order No. 719-A, 128 FERC ¶ 61,059.

⁵ 174 FERC ¶ 61,198.

for Aggregators of Retail Customers (“ARC”) to represent DR in RTO/ISO markets and parties have filed comments, FERC has not yet taken further action and Docket RM21-14 remains open. It is not clear as to if or when FERC may take further action on this issue. CPower believes that the IURC should not wait for FERC to act, and instead be proactive in addressing these issues now. As noted above, this will be beneficial to both the IURC FERC Order 2222 stakeholder process, as well as enable the benefits described in our March 31st Comments to better facilitate ARC participation to help support the grid and provide benefits to participating customers and all ratepayers.

III. Conclusion

CPower appreciates this opportunity to submit comments and looks forward to continuing to work with the Commission, utilities, and stakeholders regarding stakeholders.

IV. Contact

For questions or further discussions, please contact:

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APPENDIX

Regulating Demand Response and Aggregators in the Midwest Safeguarding Local Jurisdiction: A Guide for State Regulatory Commissions, Electric Cooperatives and Municipal Electric Utilities