

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

Voltus, Inc.

Complainant,

v.

**Midcontinent Independent
System Operator, Inc.**

Respondent.

Docket No. EL20-____-000

NOTICE OF COMPLAINT

(October __, 2020)

Take notice that on October 20, 2020, Voltus Inc., (Complainant) filed a formal complaint seeking fast-track processing pursuant to Sections 206 and 306 of the Federal Power Act against Midcontinent Independent System Operator, Inc. (“MISO”). This complaint requests:

- 1) that the Commission find that MISO tariff provisions authorizing states to bar third party demand response providers from participating in MISO’s wholesale market are: (i) inconsistent with the jurisdictional provisions of the Federal Power Act, and (ii) not just and reasonable, and are unduly discriminatory and preferential;
- 2) that the Commission issue an order interpreting its own regulation, 18 C.F.R. § 35.28(g)(iii), and find that certain relevant electric retail regulatory authorities (“RERRAs”) in MISO issued prohibitions against third party demand response providers in a manner inconsistent with the terms of that regulation and that such prohibitions are therefore void; and
- 3) that the Commission issue a notice of proposed rulemaking to repeal the provisions set forth in 18 C.F.R § 35.28(g)(iii) permitting RERRAs to bar third party demand response aggregators from participating in wholesale markets, on the grounds that these provisions are: (i) inconsistent with the jurisdictional provisions of the Federal Power Act and (ii) result in rates that not just and reasonable and are unduly discriminatory and preferential.

Complainant certifies that copies of the complaint were served on the contacts for MISO, as listed on the Commission’s list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on Complainant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, D.C. There is an "eSubscription" link on the web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 pm Eastern Time on (insert date).

Kimberly D. Bose
Secretary