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In the "NITS Access to Transmission" process, BPA proposes alternatives for a new sub-class of transmission service: "transmission for trended NITS future load growth". This sub-class would create and amplify potential discrimination both within the NITS class and between the NITS and PTP classes, without adding any transmission capacity to the grid and without differentiating the transmission rate paid for the new, preferred service provided to future NITS loads. The new sub-class is not clearly tied to available capacity on the federal grid, because the eligible trended loads would be exempt from Commercial Planning Assessments. BPA proposes that new long-term firm (LTF) transmission rights be granted to "trended NITS load growth" using certain criteria, including customer-specific thresholds, inclusion of the trended loads in System Assessments, and identification of Designated Network Resources (DNRs) for the trended load growth. These new LTF rights would apparently not be publicly documented in the same manner as other LTF rights.

Trended amounts of forecasted NITS loads would not be subject to Commercial Assessments but would be included in System Assessments. Although all regional loads are or should be included in BPA's System Assessments, only identified NITS and PTP customers hold the right to use BPA's transmission capacity, in both cases for fixed terms with the possibility of rollover rights. NITS customers hold transmission rights based on their actual and forecasted loads and resources; PTP customers submit transmission service requests (TSRs) and, if the requests are granted, acquire specific transmission rights between Points of Receipt and Delivery.<sup>1</sup> BPA's three proposed alternatives for identifying the "trended forecast of NITS loads" would each create a new "super-preferred" sub-class of NITS, exempt from Commercial Planning. None of the three proposed alternatives to defining trended load growth would address the root cause of transmission constraints, although all might improve the ability of some (but not all) NITS customers to serve future load growth by exempting that growth from Commercial Assessments. Exempting some but not all forecasted loads from

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<sup>1</sup> Recently, BPA has denied requested PTP rollover rights (see FERC Docket No. TX25-5-000, filed May 20, 2025) and has "frozen" the Transmission Service Request (TSR) queue pending Transmission Planning Reform. The combination of denied PTP rollover rights and a frozen TSR queue with the proposed super-preferential NITS rights is difficult to reconcile.

Commercial Assessments appears to constitute undue discrimination and could violate FERC standards if not applied to other Transmission Service Requests.

Grant starts with certain principles. (1) There should be no undue discrimination between NITS and PTP service. (2) BPA should comply with FERC standards to the greatest extent possible. (3) BPA should avoid deviating from FERC *pro forma* provisions to the greatest extent possible. (4) All retail loads served by power delivered over federal transmission capacity should be considered “Native Load” with equal or equivalent quality of federal transmission service. (5) BPA should not create unduly discriminatory advantages for NITS service (or a part of NITS service) over PTP service. (6) Management of forecasted NITS load growth should take into account the impacts on applications for both PTP and NITS service that are already in the queue and any TSRs properly submitted in future. On all counts, Grant is concerned that these principles would be violated by the alternatives being considered for special new treatment of “trended NITS load”.

The new sub-class of NITS loads would be exempt from the analyses and outcomes of BPA’s Commercial Planning processes. Trended NITS load would have new advantages over both “untrended (above-the-line) NITS load” and loads served by new PTP rights, effectively discriminating both within the NITS class and between a part of the NITS class and the PTP class. BPA thus proposes three classes of service but cites no FERC standards for the new third class. The proposal to carve out part of NITS load for “trended service access” increases the likelihood that undue discrimination will occur (both between NITS and PTP and within NITS) and increases the likelihood that the new sub-class will be formally challenged, because trended NITS load would effectively have “super-preferential” access to federal transmission capacity due to the weaker planning standards.

Commercial Planning Assessments (CPAs) differ from System Assessments (SAs) in important ways. Commercial Planning Assessments identify potential changes in infrastructure, including timing and cost. System Assessments are also agnostic to transmission rights but study the ability of regional resources to meet regional loads irrespective of obligations to serve. Forecasted NITS load above the suggested trends would remain subject to Commercial Planning Assessments, including the additional effort required to consider specific large loads, infrastructure additions, timing of additions to infrastructure, and the cost and risk of required investments. In effect, “trended NITS load” converts part of a load forecast into a right, unlike “trended PTP load”, which would still require a new TSR to be submitted to the BPA queue.

Exempting some NITS loads from the obligation to engage in Commercial Planning Assessments enhances the risk of undue discrimination because making awards of LTF transmission service to trended NITS loads (e.g., slides 12, 15 and 18) would negatively affect decisions about TSRs in the queue. New LTF service awards to trended NITS loads would, all else equal, reduce the amount of transmission capacity available to entities in the queue. After “LTF Service Awards” to trended future NITS loads, future Commercial Planning studies and System Assessments would assume that the trended NITS loads *will be served* from and thus encumber existing transmission capacity, increasing the likelihood that entities in the

transmission service queue would be required to make new TSR-specific investments to gain access to the federal grid.

All of the alternatives proposed by BPA would allow trended load growth to escape the obligations of Commercial Planning, effectively creating a new sub-class of NITS service. Further, future trended NITS loads could receive new LTF service even if such service triggered investments in other parts of the federal transmission system. Undue discrimination might be avoided if the “trended load growth” of PTP customers enjoyed the same access, but that is not BPA’s proposal. Carving out specific “trended” NITS loads and subjecting those loads to *lower* standards and/or *fewer* reliability, feasibility and economic tests (i.e., those considered in CPAs but omitted from SAs) would be discriminatory, perhaps unduly so.

Further, the three Alternatives for defining “trended load” all include certain values that are subject to interpretation and judgement (e.g., a 3 MW threshold, an 80% load factor, a combination of fixed/variable amounts over time, a maximum number of MWs and a 70% probability of load going on-line as forecast based on information provided on an application for service). All of these values are arbitrary and would have to be applied in case-specific determinations, which could therefore also be subjective and arbitrary and could lead to assigned or assumed rights to some forecasted NITS loads, no rights to other forecasted NITS loads, and no rights to forecasted PTP loads without a successful TSR. Essentially arbitrary values for “including trended load in system assessments” would undermine the validity of System Assessments and would affect the queue and thus access to federal transmission capacity by entities *without* such trended service. Awarding LTF service would affect the power flow studies required for making decisions on TSRs in the queue, notwithstanding the arbitrary and subjective nature of the trended NITS load.

BPA’s proposal for “trended NITS loads” would also not be available to power customers who rely on combinations of federal PTP transmission service and non-federal NITS transfer service for the delivery of power to their retail loads. BPA cannot compel non-federal utilities to offer trended NITS service, so transfer customers that rely on combinations of federal and non-federal transmission capacity would be disadvantaged relative to those offered trended NITS service by BPA. The subset of BPA power customers who might actually benefit from “super-preferential NITS” has not been revealed or discussed. Identification of eligible and ineligible customers and their retail loads might reveal the loads that would receive super-preferential treatment at the expense of disadvantaged customers and their retail loads. It is not clear that BPA’s authority includes the ability to pick retail winners and losers in this manner, especially given the arbitrary and subjective nature of the eligibility criteria. If trended NITS service could be provided to some loads, such service would clearly be discriminatory compared to both untrended NITS and long-term firm Point to Point service if the power supply and the transmission path from the FCRPS system to a point of interconnection with another BA adjacent to BPA’s system were the same for all relevant transmission customers. Such discrimination might violate relevant statutes and FERC policies.

The new NITS sub-class also could create problems at the end of Transmission Service Agreements (TSAs). All TSAs have end dates, both NITS and PTP. What happens when we

get to the end of a fixed term for a NITS customer? Will trended future NITS loads hold rights beyond the end of a given TSA? Would the duration of the “trended load forecast” instead shrink to avoid granting NITS rights after the end of NITS agreements? How will trended NITS loads beyond a specified end-of-service date be treated relative to rollover rights of PTP customers? Will BPA limit or deny PTP rollover rights in favor of trended NITS loads, even if such limits are contrary to FERC standards?

Moving “trended NITS load” into a category that could trigger investments in the grid without granting comparable access to additional transmission capacity effectively would create a new sub-class of service with superior rights paying the same Network rate while avoiding costs that would otherwise be directly assigned. Non-trended NITS loads and all PTP loads would pay for such new transmission capacity without any path to get to new long-term rights to use the new capacity because it is effectively “reserved” for the trended NITS loads. The result would be socialization of new costs without comparable access because the trended load would “use up” at least some of the new capacity and also provides superior rights on the transmission system while simultaneously conferring lower risk to some NITS customers and their loads. In the event of a technological shift or demand shock resulting in load reductions, the transmission costs paid by NITS customers would fall with the lower peak loads, and the cost of PTP service per MW would increase, all else equal. The risk of the network demand shift would be borne in part by PTP customers who would not only continue to pay for their contracted PTP volumes but would face increasing costs as total network usage and system utilization falls, notwithstanding the super-preferential access granted to the trended NITS loads.

Grant is concerned about potential impacts on BPA’s TSR queue and requests for “untrended” NITS loads and new PTP service; all three alternatives may work for NITS customers but with different impacts on plans of service, construction, the queue, and rights awarded to NITS and other customers. These impacts are difficult to predict but cannot and should not be ignored. Any decisions on new treatment of forecasts of NITS loads should take into account impacts on non-trended NITS loads and applications in the queue for new PTP rights. Granting new firm rights to transmission capacity simply because the growth is “trended” based on arbitrary criteria should be avoided, and a “new queue” for preferred treatment based on trended load growth should also be avoided. BPA should instead redirect its efforts to planning, construction, energization and power delivery for all transmission customers on a non-discriminatory basis.

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