

COMMENTS OF THE WESTERN PUBLIC AGENCIES GROUP IN RESPONSE TO TC-27 PRE-PROCEEDING WORKSHOPS

Submitted: April 10, 2026

The utilities that comprise the Western Public Agencies Group (“WPAG”) appreciate this opportunity to submit these comments on select topics in response to BPA’s TC-27 pre-proceeding workshops held on March 18-19, 2026 (“Pre-Proceeding Workshops”). The workshops were well done and instructive. Thank you to BPA staff for distilling the daedal expanse of the TC-27 related issues into concise “staff leanings” and clear explanations of the underlying rationale for such leanings. They greatly helped in preparing the following targeted feedback.

1. **BPA Must Restart the Processing of NITS LaRCs As Soon As Possible.**

The time for BPA to restart its processing of the load and resource forecasts of its Network Integration Transmission Service (“NITS”) customers is long overdue. BPA notified the region on February 11, 2025 that it was pausing its transmission planning process with a cutoff date of August 15, 2024. For NITS customers, BPA did not provide the templates for the “in cycle” 2024 LaRC process until August 30, 2024, some fifteen days after the subsequently announced cutoff date, and the deadline to complete the 2024 LaRC forms was not until September 30, 2024. This means that the most recent “in cycle” LaRCs of NITS customers that have been processed by BPA are those submitted approximately **thirty months** ago in the early Fall of 2023.

This is untenable, and discriminatory. BPA’s PTP customers who met the “in cycle” August 15, 2024 deadline for the 2025 Cluster Study are not subject to the pause and their TSRs are being processed by BPA. The net effect of this is that the most recent “in cycle” LaRCs processed by BPA are those submitted in 2023 whereas PTP “in cycle” TSRs submitted in 2024 for the 2025 Cluster Study are being processed. This is not comparable treatment between these two OATT products. In addition, it raises deep concerns that BPA is not meeting its statutory obligation to ensure that there is sufficient transmission capacity to enable BPA to meet its current and future marketing obligations to its preference customers **before** making any excess transmission capacity available to all utilities on a fair and nondiscriminatory basis.¹ Indeed, BPA’s implementation of its transmission planning pause may be resulting in the exact opposite outcome required under its statutes given that the preponderance of its power marketing obligations to preference customers are met through the use of the NITS product.

At the Pre-Proceeding Workshops, BPA staff shared its leaning to begin processing NITS customer LaRCs once the relevant Business Practice is updated to reflect BPA’s proposed Non-Trended Load Growth (“NTLG”) threshold.² We recommend that BPA work expeditiously to share a fully-fledged draft of the updated Business Practice. First, so that BPA can begin processing LaRCs received on or after August 15, 2024 as soon as possible. Second, so that customers can

¹ Transmission System Act § 6 (16 U.S.C. § 838d); *California Energy Commission v. BPA*, 909 F.2d 1298, 1312 (9th Cir. 1990).

² TC-27 Pre-Proceeding Workshop at 20 (March 18-19, 2026).

finally, after years of discussion, review and comment on BPA's formal written formulation of its NTLG threshold proposal. This, too, is long overdue.

In addition to the comments provided herein, WPAG hereby reserves all rights to comment on the specifics of BPA's proposed NTLG threshold/policy until BPA shares a draft of the updated Business Practice.

2. PTP Requests for NITS Points of Delivery ("PODs").

WPAG supports BPA's proposal to require a demonstration of interest from NITS customers in their LaRCs to validate PTP TSRs submitted for delivery to their NITS PODs. We heartily agree with BPA that BPA and NITS customers collectively plan for service to the NITS customer load and that "if the NITS customer is not planning to serve their load using PTP, BPA should not be planning for transmission to serve the NITS customer's load in a manner that the NITS customer is not planning on."³

3. Virtual Hubs.

Although a firm option would be preferable, WPAG nonetheless supports BPA's proposal to retain the NW HUB as a virtual point at which utilities can access long-term reassessment conditional firm service.

4. Contract for Committed to ("CF/CT") Loads.

BPA proposes to treat LaRC to LaRC load growth at CF/CT loads like New Large Facilities for purposes of its new NTLG policy.⁴ However, the CF/CT loads of BPA's preference customers are legacy loads that have been around since at least 1979 and, in many cases, for much longer. To a significant extent, the backbone of BPA's transmission system was built to accommodate these bulwark loads as well as paid for by them through the decades. Such contributions have been to the benefit of both BPA and its past, current, and future transmission customers in the form of additional transmission revenue and the development of a more robust and reliable transmission system for all. Similar to the BPA Provider of Choice Policy, which provided an option for customers to regain BPA CHWM through a demonstration of CF/CT load recovery, BPA's NTLG policy must take into account the cyclical nature of such loads to ensure that its application does not treat returning CF/CT loads that are within historic peak amounts as NTLG subject to commercial planning, new security requirements, etc. CF/CTs are not like the new large loads now appearing on BPA's transmission system that have not made any prior contributions to its development and are placing the new financial and planning burdens on BPA that BPA is attempting to address through the TC-27 and GAT processes. Accordingly, the NTLG policy must treat CF/CT loads in a manner that fully recognizes and accounts for their 47+ years of financial contributions towards and uses of the transmission system.

³ *Id.* at 51.

⁴ *Id.* at 21.

5. Behind the Meter Resources, Co-Located Loads/Resources, and Associated Changes.

BPA has determined that proposals regarding behind the meter resources, co-located loads/resources, and associated charges are out of scope for TC-27.⁵ BPA also stated that it would monitor FERC policy developments in these areas. However, behind the meter resources that do not use the BPA transmission system could have significant planning, financial, rate, and timeline advantages for both BPA and customers. They would also advance the objective identified in the White House's [Ratepayer Protection Pledge](#) for companies and grid operators like BPA to work together to improve grid reliability by, for example, implementing protocols that would allow grid operators to call upon behind-the-meter generators during emergencies. For these reasons, WPAG believes that a firmer commitment to advance policy, tariff, and rate changes that encourage and support the location of behind the meter resources and co-located loads/resources is warranted and will be a necessary component of any TC-27 settlement.

6. NITS Conditional Firm Services.

WPAG is supportive of BPA's proposal to offer an interim bridge conditional firm service ("CFS") for NITS.⁶ Compared to the other alternatives reviewed by BPA, this will place NITS customers with facilities subject to the new NTLG threshold on comparable footing to PTP customers with similar near-term transmission needs, including comparable treatment as to congestion rent in Markets+ and access to short-term firm ups. Our change to support this approach is due, in part, to BPA's statement in the Pre-Proceeding Workshops that it now believes it can implement CFS for NITS while also moving forward with implementation of NITS on OASIS 2.0.

7. Security for Bridge CFS.

BPA proposes to have customers seeking bridge CFS to pay upfront security based on three years of transmission service at the applicable PTP/NITS transmission rate in effect at the time the (F)TSR is placed in queued status on OASIS. Payment of the security amount would not guaranty that the customer would receive a CFS offer. Instead, BPA proposes to hold onto the security for up to ten years and to return it if no CFS offer is made within the ten-year period. If, however, BPA does make a CFS offer within ten years, then the customer must take such service or lose its security. Upon taking service, the security would be returned to PTP customers on a straight-line basis over three years and to NITS customers over the course of up to five years provided certain conditions are met.⁷

We understand that the purpose of BPA's proposed security requirement is an attempt to limit bridge CFS studies to only those requests that are most ready and committed to take bridge CFS. However, we are concerned that the combination of the size of the security requirement, and the length of time that it could be held without a service offer, will effectively screen out all (F)TSRs that are ready and willing to take service except for those associated with extraordinarily

⁵ *Id.* at 23.

⁶ *Id.* at 78-80.

⁷ *Id.* at 71-73.

well-financed data center loads that have an unparalleled ability to pay and wait for the possibility of bridge CFS.

Although such loads provide important economic benefits to the communities where they are located, they are not the only large loads with a real near-term need for and ability to take the bridge CFS product. Such other large loads include food processing, pulp mills, and other manufacturing plants that also provide economic benefits to their communities and have solid balance sheets (if not the historically unprecedented financial means that some data center loads have). To ensure that BPA's security requirements do not indirectly exclude such other new large loads, it should reduce the proposed security amount and allow more and earlier opportunities for security to be returned in the event CFS is not offered within the earlier of 12-18 months of execution of the CFS Analysis Agreement or BPA's completion of a bridge CFS study from which the load was not offered bridge CFS.

8. Firm Product Conversions.

Similar to BPA's TC-20 process, the outcomes of the TC-27 proceedings will have profound implications for how BPA and utilities plan the transmission system to serve the loads of such utilities. For this reason, and again similar to TC-20, BPA should provide a window following the close of the TC-27 proceeding to allow long-term transmission customers to convert, as applicable, from the PTP to NITS or from NITS to PTP. This will be appropriate and necessary to ensure that the region's utilities each have the BPA transmission product that best meets their current needs given the changes made as part of the TC-27 process.

Further, it is imperative that BPA Transmission coordinate with BPA Power to ensure that preference customer load serving entities are allotted sufficient firm federal transmission to deliver their contracted for federal power supply to load. If BPA customers do not have sufficient firm transmission to bring their BPA Tier 1 supply to their net requirement load, then BPA would fail to meet its obligations under § 5(b)(1) the Northwest Power Act to serve such load as well as its obligation under § 6 of the Transmission System Act to ensure that there is sufficient transmission capacity for BPA to meet its current and future marketing obligations to its preference customers.

Thank you for the opportunity to comment.