

September 9, 2026

NewSun Energy Transmission Company LLC

550 NW Franklin Ave., Suite 408

Bend, Oregon 97703

RE: Comments on Grid Access Transformation Future State Workshop

NSET anticipates submitting additional comments as further information becomes available and stakeholder discussions progress. Without waiving any rights to supplement or revise its positions, NSET submits the following comments concerning the current Future State Workshop process.

NSET remains concerned that the Future State framework, as presented to date, represents a *"Road to Nowhere."* We continue to oppose the framework as currently provided.

BPA should pursue transmission reform and preserve open-access principles, avoid retroactive rule changes, protect existing investments, and focus on expanding transmission infrastructure and existing requests that support that development to serve growing regional load, GERP projects, and compliance obligations.

- Maintaining non-discriminatory Open Access transmission service should remain the primary objective of BPA's Grid Access Transformation effort.
- Future State reforms should remain neutral regarding business models, project ownership structures, financing approaches, or customer type.
- BPA should not act as an arbiter of which commercial investments are "worthy" of transmission service.
- Any Future State criteria must be consistent with Open Access and the principles established under FERC Order 888.
- Restrictions that effectively favor certain customer classes, financing structures, or development models undermine competition, increase potential discriminatory outcomes, and undermine investor confidence.
- We remain concerned that commercial readiness screens, maturity screens, or subjective project validation criteria will create discriminatory outcomes.
- BPA should avoid reforms that prioritize projects based on access to capital rather than transmission queue position.
- Any Future State evaluation mechanism should be objective, transparent, and directly related to the region's transmission planning and development needs.

- BPA should avoid creating barriers that disadvantage independent power producers, energy storage developers, marketers, public utilities, load serving entities, and other market participants.

The current Future State discussions appear to build upon many of the same foundational concepts that have generated substantial concern throughout the TC-27 process. The TC-27 framework has not demonstrated that it can effectively balance open access, investor certainty, project finance realities, viability, and regional transmission needs. As such, TC-27 should not serve as the starting point or guiding foundation for the Future State.

Open Access is a core principle

BPA should maintain Open Access Principles for requests already submitted. NSE strongly opposes applying new source, load, and data exhibit requirements retroactively before and after the Future State is established.

Customers must retain the ability to request transmission between any points on the system rather than being restricted. This supports the goals of Transmission Planning, Study, and Plan defined for the Future State.

- BPA must ensure that all customer types—IPPs, COUs, LSEs, and Marketers—retain fair access to the system. The Future State must not become a gatekeeping mechanism.
- Customers must retain the right to request transmission to meet their individual business case, risk assessment, and needs. BPA cannot be the arbiter of what is or is not a justified use of the transmission system beyond meeting its statutory obligations.

Planning and Regional Needs

- The Pacific Northwest continues to experience significant load growth driven by data centers, electrification, industrial development, and evolving compliance obligations.
- Transmission reform should accelerate regional infrastructure development rather than create additional uncertainty.
- BPA's prior TSEP studies have already demonstrated that major transmission upgrades are broadly beneficial, regionally significant, and likely to be required regardless of specific queue outcomes.
- The highest regional priority should be advancing transmission expansion, processing pending requests, and enabling new generation and storage resources to come online.

NSE believes BPA already has significant information from the 2020-2024 transmission planning cycles (TSEP) regarding where upgrades are needed, when they will be needed, which customers benefit, and what projects are most frequently triggered. BPA should use those lessons as the foundation for reform.

As stated in BPA's *Transmission Planning Pause Q&A Update*, we maintain that TSRs submitted before the 2025 TSEP study window should not be subject to new eligibility, readiness, study, or award criteria. This commitment should apply equally to any Conditional Firm or Long-Term Service capacity identified through the TC-27 Transition Process or Future State framework, including previously validated TSRs and requests associated with BPA's GERP 1.0 and 2.0 transmission investments. Applying new standards to these requests would constitute a retroactive change and undermine investment-backed expectations made in reliance on BPA's existing processes.

Preserve Investment Certainty and Regional Confidence

Retroactive rule changes would damage market confidence, make project financing more difficult, increase costs, and discourage future investment in generation and transmission projects across the region.

- Regulatory stability remains essential for maintaining investor confidence.
- Retroactive changes to transmission access rules undermine financing assumptions and increase development risk.
- BPA should strive to preserve previously made investment decisions wherever possible and avoid reforms that render existing development work obsolete. This is essential for the Future State to be a viable change from how things are done today.
- A predictable and transparent transmission access framework will reduce costs for the region, increase revenue for BPA, and support timely development of the resources needed for reliability, affordability, decarbonization, and compliance obligations.

Obstructing Generation and Transmission Expansion

We oppose applying new source, load, and data exhibit requirements retroactively. Applying retroactive new source requirements is in direct conflict with open-access principles and will disadvantage resource development, independent power producers, marketers, and load-serving customers. A clear cut-off date after 2026 needs to be in place for requests that are exposed to new requirements in the Future State Process. BPA must not clear the queue, artificially create new requirements on past requests, and disrupt existing investments in the system through TC-27 for the Future State to be successful for

the region. CFS offers cannot be the axe that diminishes the valuable pathway towards long-term firm service for existing requests that the Future State is to provide.

Opportunity Overview

BPA should not act as a gatekeeper for commercial business models and investments. It is not BPA's role to be the arbiter of which requests are speculative or not. This includes creeping into independent LSEs' procurement activities. BPA should focus on its beneficial role of developing transmission infrastructure to meet the region's needs as established through legitimate requests on the system, focus on upholding open access principles, and providing transmission access and service. BPA should not decide which projects or financing structures deserve priority. This goes for the Future State as well as the current TC-27 Transition process.

BPA should support, not inhibit, economic growth and resource development. The existing system is not enough to meet the growing demand. Multiple studies and resource plans, beyond what is shared in the footnote, demonstrate a capacity shortfall, inability to meet compliance obligations (RPS and Carbon), and load growth beyond what can be served with existing infrastructure today.¹

We are concerned to hear BPA discuss "Outdated Financial Risk Standards" because it sounds like BPA is intent on driving up costs for customers on the system. We encourage BPA to conduct an analysis and share with stakeholders the estimated revenue to be collected and what that means for rates as expansion occurs and awards are made.

BPA needs to be the region's engine to ignite resource development and economic benefit. Not act as a blockade. This was and has always been the strategic mission and why BPA has been so beneficial to the region. BPA should continue to be that foundational force.

Future State Design

- NSET recommends a rolling "always-open" queue structure for Future State processing.
- New transmission requests should be added to the back of the queue as they are submitted.
- BPA should process requests through periodic commercial study windows using ordered batches.
- Each batch should be sized according to the volume BPA can reasonably evaluate based on available planning, study, and engineering resources.

¹ The 9th Northwest Power Plan https://www.nwcouncil.org/fs/19991/ninthplan_2026-3.pdf
E3 Capacity Needs of the Pacific Northwest – 2019 to 2030

- Batch processing is an appropriate tool for improving study efficiency while preserving queue order.
- Study clusters should not become a mechanism for bypassing queue priority.
- BPA should continue evaluating requests in ordered batches that reflect original queue sequence.
- Batch processing should improve efficiency without undermining customer reliance interests or open-access principles.
- As proactive transmission planning creates additional system capacity and planning certainty, BPA should progressively increase batch sizes.
- The long-term objective should be a planning framework where all pending requests can be evaluated during each study cycle.
- The most viable Interconnection and transmission requests are aligned with GERP projects. BPA should prioritize and accelerate those project timelines and award transmission requests associated with those projects.

We continue to oppose the Future State and TC-27 framework and proposals as currently structured. In our view, these proposals raise significant concerns regarding Open Access, non-discriminatory treatment, investment certainty, project financeability, transmission neutrality, and the treatment of existing transmission requests submitted in good faith under BPA's established processes.

At the same time, we remain committed to constructive engagement and recognize the importance of developing a durable, transparent, and workable transmission access framework for BPA and the region. We continue to stand ready to participate in good-faith efforts aimed at achieving a solution that serves the long-term interests of the region, supports timely transmission and resource development, preserves investor confidence, and remains consistent with open access principles.

BPA's transmission reforms will shape the region's energy future for decades to come. Given the magnitude of those consequences, BPA should proceed deliberately, ground its decisions in sound analysis and stakeholder input, and avoid adopting policies that unnecessarily disrupt existing investments or constrain future development.