

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

)	
Public Citizen, <i>et al.</i> ,)	
)	
Petitioner,)	Case No. 14-1244
)	14-1246 (cons.)
v.)	
)	
Federal Energy Regulatory Commission,)	
)	
Respondent.)	
)	

**MOTION FOR LEAVE TO INTERVENE OF THE
ELECTRIC POWER SUPPLY ASSOCIATION**

Pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure, the Electric Power Supply Association (“EPSA”) respectfully moves to intervene in these consolidated cases in support of respondent, the Federal Energy Regulatory Commission (the “Commission”).

BACKGROUND

In these consolidated cases, Public Citizen, the Attorney General for the State of Connecticut, the Connecticut Public Utilities Regulatory Authority, and the Connecticut Office of Consumer Counsel seek review of the following notices issued by the Commission:

Notice of Filing Taking Effect by Operation of Law, *ISO New England, Inc.*, Docket No. ER14-1409 (September 16, 2014); and

Notice of Dismissal of Pleadings, *ISO New England, Inc.*, Docket No. ER14-1409 (October 24, 2014).

In the September 16 notice, the Commission states that a filing by ISO New England, Inc. of the results of its 2014 forward capacity auction became effective by operation of law pursuant to section 205 of the Federal Power Act, 16 U.S.C. § 824d, on September 16, 2014. In the October 24 notice, the Commission dismissed filings styled as “requests for rehearing” of the September 16 notice, because that notice was not “an order issued by the Commission” subject to rehearing under section 313(a) of the Federal Power Act. 16 U.S.C. § 825l(a).

ARGUMENT

EPSA is a national trade association that represents competitive electric power suppliers, including independent power producers, merchant generators, and power marketers. EPSA’s members include 15 companies, along with numerous supporting members, and state and regional partners, that represent the competitive power industry in their respective regions.

EPSA has a direct and substantial interest in this case that cannot be adequately represented by any other party. *See Dimond v. District of Columbia*, 792 F.2d 179, 192 (D.C. Cir. 1986) (intervention is appropriate if “representation” by other parties “‘may be’ inadequate”). EPSA’s members are active participants

in the ISO New England capacity market. EPSA was an active participant in the underlying proceedings before the Commission concerning ISO New England's filing, as were a number of its members.

EPSA members will therefore be directly affected by the outcome of this proceeding and have a strong interest in ensuring the results of the 2014 forward capacity auction are not disturbed after-the-fact. EPSA is therefore seeking leave to intervene in this case to ensure that it is in a position to have its unique perspectives on the issues presented to and heard by this Court. Because this motion is timely under the rules, permitting EPSA to intervene and participate in this appeal will not inconvenience any other party.

CONCLUSION

For these reasons, EPSA respectfully requests that it be permitted to intervene in these consolidated cases with full rights attendant thereto.

Respectfully submitted,

/s/ Ashley C. Parrish
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*Counsel for the
Electric Power Supply Association*

Dated: December 12, 2014

CERTIFICATE OF SERVICE

Pursuant to Rule 25 of the Federal Rules of Appellate Procedure, I hereby certify that I have this 12th day of December, 2014, served a copy of the foregoing document electronically through the Court's CM/ECF system on all registered counsel.

Dated at Washington, D.C., this 12th day of December, 2014.

/s/ Ashley C. Parrish

Ashley C. Parrish

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Rule 26.1 of the Rules of this Court, Electric Power Supply Association (“EPSA”) states as follows:

EPSA is a national trade association that represents the competitive power industry and is incorporated under the laws of the District of Columbia. There is no parent corporation or any publicly held corporation that owns 10 percent or more of EPSA’s stock.

EPSA’s members include 15 companies, along with numerous supporting members, and state and regional partners, that represent the competitive power industry in their respective regions. EPSA’s members have significant financial

investments in electric generation and electricity marketing operations across the country.

EPSA's organizational purpose, among other things, is to promote a favorable market environment for the competitive electric industry; to support the development of state and federal legislative and regulatory policies that encourage the development and implementation of competitive wholesale markets for electricity; and to improve the public's awareness of the competitive electric industry.

Respectfully submitted,

/s/ Ashley C. Parrish

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