

credible assertion that investment managers, like BlackRock, State Street Corporation, and The Vanguard Group, Inc., are always or should be assumed to be merely passive investors. These investment managers are often the three biggest investors in publicly traded companies across the U.S. economy, including the utility industry, and wield significant financial power by virtue of their investments.<sup>3</sup> These investment managers may occasionally use that financial power to push various types of policy agendas, agendas that may ultimately conflict with the utility's public service obligations to its customers.<sup>4</sup> Or, totally different from any policy goal, the threat may come from a private equity investor's attempt to turn a quick profit on a short-term trade by undercutting utility practices that are designed to serve its retail customers over the long term, not the short-term interests of the private equity investor.

3. One focus recently, and rightfully so, has been on "ESG" (environmental, social, and governance-related) corporate initiatives, with huge asset managers pushing policy decisions that should be left to elected legislators. For example, I have pointed out the reliability problems that will result from premature dispatchable generation retirements that may come from these initiatives.<sup>5</sup> Decisions on the appropriate generation resources mix for a public utility with a state-granted franchise are policy decisions for state policymakers, not huge Wall Street asset managers.

4. But let us be clear—"ESG" investor activity is simply a symptom of a larger, more pernicious threat that has always existed in the utility industry: improper investor influence and control over public utilities. Large investors can and do force utilities to make decisions that are contrary to their public service obligations to their retail customers. This, among other related concerns, is

exactly why Congress enacted a suite of consumer protection statutes, including the FPA almost 100 years ago.

Congress's subsequent revisions to the FPA over the years, such as by the Energy Policy Act of 2005, signal the ongoing importance of consumer protection in the Commission's regulatory responsibilities, including under section 203. Congress may have directed the Commission to streamline its regulations to facilitate greater investments in the utility industry, such as through section 203 blanket authorizations,<sup>6</sup> but that streamlining does not, and should *never*, come at expense of protecting consumers. Indeed, it is the Commission's task to balance these two competing responsibilities and to continue to revisit and evaluate that balance. So I fully agree that this NOI is timely and compelling and I look forward to moving forward on it.

For these reasons, I respectfully concur.

Mark C. Christie  
Commissioner

[FR Doc. 2023-28443 Filed 12-22-23; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

#### Records Governing Off-the-Record Communications

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the

Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e) (1) (v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

Docket Nos.	File date	Presenter or requester
<b>Prohibited</b>		
1. CP22-2-000 .....	12-12-2023	FERC Staff <sup>1</sup>
2. CP22-2-000 .....	12-12-2023	FERC Staff <sup>2</sup>
3. CP22-2-000 .....	12-13-2023	FERC Staff <sup>3</sup>
4. CP22-2-000 .....	12-15-2023	FERC Staff <sup>4</sup>

Concurrence), available at <https://www.ferc.gov/news-events/news/commissioner-christies-concurrence-blackrocks-authorization-buy-voting-securities>.

<sup>3</sup> You can see the extent of these investment managers' holdings through the quarterly reports the Commission receives as part of the requirements associated with section 203(a)(2) blanket authorizations. See, e.g., BlackRock, Quarterly Report, Docket No. EC16-77-002 (filed Nov. 15,

2023) (detailing holdings in several publicly traded holding companies with public utility subsidiaries).

<sup>4</sup> See BlackRock Concurrence at PP 4-5.

<sup>5</sup> See, e.g., Testimony of Commissioner Mark C. Christie, *Oversight of FERC: Adhering to a Mission of Affordable and Reliable Energy for America*, United States House of Representatives (June 12, 2023), available at <https://www.ferc.gov/media/testimony-commissioner-mark-c-christie-oversight-ferc-adhering-mission-affordable-and>; Written Testimony of Commissioner Mark Christie Before

the Committee on Energy and Natural Resources, United States Senate (Sept. 27, 2021), available at <https://cms.ferc.gov/media/written-testimony-commissioner-mark-christie-committee-energy-and-natural-resources-united>.

<sup>6</sup> See, e.g., *Transactions Subject to FPA Section 203*, Order No. 669, 113 FERC ¶ 61,315 (2005), order on reh'g, Order No. 669-A, 115 FERC ¶ 61,097, order on reh'g, Order No. 669-B, 116 FERC ¶ 61,076 (2006).

Docket Nos.	File date	Presenter or requester
Exempt None.		

<sup>1</sup> Emailed comments from Nathalie Bouville and 15 other individuals.

<sup>2</sup> Emailed comments from Paul Snodgrass and 13 other individuals.

<sup>3</sup> Emailed comments from Alan Unell and 22 other individuals.

<sup>4</sup> Emailed comments from Harry Moody.

Dated: December 19, 2023.

**Debbie-Anne A. Reese,**

*Deputy Secretary.*

[FR Doc. 2023-28434 Filed 12-22-23; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC24-27-000.

*Applicants:* Evergy Missouri West, Inc., Dogwood Energy LLC.

*Description:* Joint Application for Authorization Under Section 203 of the Federal Power Act of Evergy Missouri West, Inc.

*Filed Date:* 12/18/23.

*Accession Number:* 20231218-5274.

*Comment Date:* 5 p.m. ET 1/8/24.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG24-59-000.

*Applicants:* Yellow Pine Solar II, LLC.

*Description:* Yellow Pine Solar II, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

*Filed Date:* 12/19/23.

*Accession Number:* 20231219-5146.

*Comment Date:* 5 p.m. ET 1/9/24.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER19-1217-005.

*Applicants:* Montana-Dakota Utilities Co.

*Description:* Triennial Market Power Analysis for Central Region of Montana-Dakota Utilities Co.

*Filed Date:* 12/15/23.

*Accession Number:* 20231215-5329.

*Comment Date:* 5 p.m. ET 2/13/24.

*Docket Numbers:* ER22-2185-003.

*Applicants:* Black Hills Colorado Electric, LLC.

*Description:* Compliance filing: Compliance Filing of Tariff Sheets to Implement Formula Rate Settlement to be effective 9/1/2022.

*Filed Date:* 12/18/23.

*Accession Number:* 20231218-5254.

*Comment Date:* 5 p.m. ET 1/8/24.

*Docket Numbers:* ER24-226-001.

*Applicants:* Evergy Missouri West, Inc., Evergy Metro, Inc., Southwest Power Pool, Inc.

*Description:* Tariff Amendment: Southwest Power Pool, Inc. submits tariff filing per 35.17(b): Amended Filing—Revisions to the Formula Rate of Evergy Companies to be effective 12/27/2023.

*Filed Date:* 12/18/23.

*Accession Number:* 20231218-5249.

*Comment Date:* 5 p.m. ET 1/8/24.

*Docket Numbers:* ER24-678-001.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Tariff Amendment: Amendment of Cancellation of WMPA, SA No. 6228; AF2-057 in Docket ER24-678-000 to be effective 2/14/2024.

*Filed Date:* 12/18/23.

*Accession Number:* 20231218-5261.

*Comment Date:* 5 p.m. ET 1/8/24.

*Docket Numbers:* ER24-697-000.

*Applicants:* Westlands Solar Blue (OZ) Owner, LLC.

*Description:* Baseline eTariff Filing: Solar Blue Application for Market-Based Rate Authorization to be effective 12/19/2023.

*Filed Date:* 12/18/23.

*Accession Number:* 20231218-5272.

*Comment Date:* 5 p.m. ET 1/8/24.

*Docket Numbers:* ER24-698-000.

*Applicants:* Castanea Project, LLC.

*Description:* Baseline eTariff Filing: Castanea Application for Market-Based Rate Authorization to be effective 12/19/2023.

*Filed Date:* 12/19/23.

*Accession Number:* 20231219-5002.

*Comment Date:* 5 p.m. ET 1/9/24.

*Docket Numbers:* ER24-699-000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: 4200 NextEra Energy Resources Surplus Interconnection GIA to be effective 2/17/2024.

*Filed Date:* 12/19/23.

*Accession Number:* 20231219-5004.

*Comment Date:* 5 p.m. ET 1/9/24.

*Docket Numbers:* ER24-700-000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: 4201 Wildcat Ranch Energy Storage Surplus

Interconnection GIA to be effective 2/17/2024.

*Filed Date:* 12/19/23.

*Accession Number:* 20231219-5009.

*Comment Date:* 5 p.m. ET 1/9/24.

*Docket Numbers:* ER24-701-000.

*Applicants:* New York Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: NYISO 205: Proposed ICAP Demand Curve Enhancements re: Seasonal Reference Points to be effective 2/20/2024.

*Filed Date:* 12/19/23.

*Accession Number:* 20231219-5063.

*Comment Date:* 5 p.m. ET 1/9/24.

*Docket Numbers:* ER24-702-000.

*Applicants:* Duke Energy Indiana, LLC.

*Description:* § 205(d) Rate Filing: DEI-Blocke RS No. 283 Facilities Agmt to be effective 2/18/2024.

*Filed Date:* 12/19/23.

*Accession Number:* 20231219-5102.

*Comment Date:* 5 p.m. ET 1/9/24.

*Docket Numbers:* ER24-703-000.

*Applicants:* Virginia Electric and Power Company, PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Virginia Electric and Power Company submits tariff filing per 35.13(a)(2)(iii): VEPCO submits One WDSA, SA No. 7142 to be effective 9/27/2023.

*Filed Date:* 12/19/23.

*Accession Number:* 20231219-5109.

*Comment Date:* 5 p.m. ET 1/9/24.

*Docket Numbers:* ER24-704-000.

*Applicants:* Alabama Power Company, Georgia Power Company, Mississippi Power Company.

*Description:* Tariff Amendment: Alabama Power Company submits tariff filing per 35.15: Putney Solar (Solar & Battery) LGIA Termination Filing to be effective 12/19/2023.

*Filed Date:* 12/19/23.

*Accession Number:* 20231219-5125.

*Comment Date:* 5 p.m. ET 1/9/24.

*Docket Numbers:* ER24-705-000.

*Applicants:* Bazinga, LLC.

*Description:* Baseline eTariff Filing: Baseline new to be effective 12/20/2023.

*Filed Date:* 12/19/23.

*Accession Number:* 20231219-5193.

*Comment Date:* 5 p.m. ET 1/9/24.

Take notice that the Commission received the following electric reliability filings: