

September 22, 2026

Comments submitted to comments@westwidepathwaysinitiative.org

RE: Regional Organization for Western Energy Independence Policy

The Public Power Council (PPC)¹ appreciates the opportunity to comment on the ROWE's proposed independence policy and the Formation Board extending its timeline for acting on the policy in order for stakeholders to do so.

We know that allowing time for stakeholder review and comment presents some logistical challenges given the need to have this policy adopted before the ROWE Board is officially seated in October and acknowledge that the Formation Board granted our request for stakeholder review. Throughout the Pathways process and in ROWE meetings to date, there has been little or no opportunities to review documents in advance of public discussion based on when material is made available. As a point of general comment, timely posting of materials for action before any of the ROWE decision-making bodies is a necessary step to establishing a transparent and participatory governance structure. We ask that the ROWE decision-making bodies, and in particular the Formation Board, be more consistent in posting materials prior to their meetings with sufficient time for stakeholders to review those materials in advance. This would allow stakeholders to be better positioned to make informed comments and questions regarding the materials discussed at ROWE meetings.

It is well known that PPC has concerns about structural independence of the eventual ROWE Board from the CAISO, which has obligations to a subset of EDAM participants both under California statute and contractually through its role as a Balancing Authority Area. We acknowledge that this issue is not addressed in the scope of the proposed independence policy, which focuses on the independence of individual board members from market participants. The requirements set forth in the independence policy appear to

¹ PPC is the umbrella trade association representing the interest of the Northwest's non-profit, public power utilities that have preference rights to the output of the federal system. PPC's members rely on BPA for wholesale power and transmission services to provide economic, reliable, and environmentally responsible power supply for the communities and businesses they serve at cost. PPC's members subscribe nearly the full firm output of the Federal Columbia River Power System (FCRPS) and a large portion of the capability of BPA's transmission system. The ability to access BPA's transmission system to deliver federal and non-federal generation to their communities is critical for PPC members.

be in line with what is required by other ISOs and RTOs; however, in the context of those structural concerns PPC has a few questions about how the requirements will apply.

Earlier this year the Formation Board adopted a “Conflict of Interest Policy” which “addresses transactions and arrangements involving the Corporation’s directors, officers, members of any committee of the Corporation’s Board of Directors with authority to act on behalf of the Board of Directors, and the Corporation’s executive employees (e.g., Executive Director, Chief Executive Officer, Chief Financial Officer, Chief Operating Officer) and any other manager or supervisor identified by the Board of Directors or the President as exercising substantial influence over the operations of the Corporation (“Covered Persons”).”² The newly proposed “Independence Policy” only applies to Board members (“Directors”). PPC would like to understand why the scope of the Independence Policy is narrower than that of the Conflict of Interest Policy.

PPC also requests that the Formation Board explain through what mechanism or whose authority will make the Independence Policy enforceable at the time of the appointment of the ROWE Board. PPC requests that explanation to include who will be the final decision-maker about whether a candidate satisfies the policy, and requests that the Formation Committee add language to the policy to make its intended enforcement more transparent. It is our understanding that many RTOs and ISOs have filed similar documents with FERC before seating their Boards. The Formation Board should also address whether the policy will eventually be filed with FERC.

As a general matter, prior to a tariff filing to FERC that includes the governance structure for the ROWE, it is unclear to PPC what authorities the ROWE is acting under, including the opportunity for FERC to review and confirm that the proposed Independence Policy meets the requirements under Order 2000. We understand based on the discussion at the last Formation Board meeting that much of this document was taken from other FERC approved policies, but we would like to better understand the ROWE’s perspective on standing up a Board in the coming weeks based on policies that have not yet undergone FERC review.

Thank you for the opportunity to comment,

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² Regional Organization for Western Energy, Inc. (n.d.). *Conflicts of interest policy*.
<https://www.westernenergyboard.org/wp-content/uploads/ROWE-Conflicts-of-Interest-Policy.pdf>, Section 2