

Joint Comments on Draft ROWE Board Briefing Book Chapters 2-5 and 8 September 4, 2026

Submitted via email to Comments@WestWidePathwaysInitiative.org.

The Western Resource Advocates, NW Energy Coalition and the Union of Concerned Scientists, (collectively, the “Joint Commenters”) appreciate the opportunity to provide feedback on the Regional Organization for Western Energy (ROWE) Board Draft Briefing Book chapters 2-5 and 8 posted on August 14 and 25, 2026.¹

The Joint Commenters strongly support the ROWE and its goals. A West-wide market and one that includes CAISO will maximize benefits for consumers, decreasing costs, enhancing reliability and achieving carbon goals. Our organizations have long advocated for a grid that is reliable, affordable, and centered on the public interest. Further, the ROWE will enable a path forward for a potential West-wide fully organized market (a Regional Transmission Organization or RTO), should participants in this effort so choose.

We laud the hard work and commitment of the Pathways Initiative for both the quality work products developed, including the ROWE Board Briefing Book, and the diverse and transparent process used to develop the work products. The Public Interest Organization (PIO) community has been actively engaged in this process from the beginning with four organizations represented on the Launch Committee (three members and one alternate) and active engagement in almost all of the Pathways work groups, including the Formation Committee, Office of Public Policy (OPP) Work Group, Stakeholder Process Work Group, Tribal Engagement Work Group and more. Further, we have provided written comments during almost every opportunity provided.

The governance framework and stakeholder process encompassed in the Pathways Step 2 Final Proposal (“Step 2 Proposal”) and the ROWE documents that flow from that are consistent with Good Governance Principles supported by PIOs and others and can serve as a model for other regional organizations within and outside of the Western Interconnection. We are especially proud of the public interest priority that is a unique and commendable aspect of ROWE governance.

Step 2 Proposal.² We view the Pathways Step 2 Proposal as something akin to legislative history (without any legal authority). It is a detailed document that reflects much hard work with compromises and agreement that resulted from a broad and diverse stakeholder process. The process was led by a diverse group of volunteers representing nine sectors, state participation and

¹ This includes Draft [Chapter 2](#), ROWE Corporate Organization and Governance, [Chapter 3](#), ROWE Governance Tariff, [Chapter 4](#), ROWE Market Oversight and Data Access, Chapter 5, ROWE Budget and Finance Considerations and [updated Chapter 8](#), ROWE Stakeholder Process.

² West-wide Governance Pathways Initiative (Pathways Initiative) Launch Committee Step 2 Final Proposal (November 15, 2024), available at: <https://www.westernenergyboard.org/wp-content/uploads/Pathways-Initiative-Step-2-Final-Proposal.pdf>, (“Step 2 Final Proposal”).

west-wide diversity.³ Overall, the Briefing Book chapters are consistent with the Step 2 Proposal.

Overall, the recommendations in the Step 2 Proposal reflect the priorities, experiences, technical and political challenges, and above all, the spirit of collaboration and commitment to problem solving of the diverse stakeholders in the West. There were a few exceptions, areas that lacked full consensus from the Launch Committee, including importantly: the remand process and weighted voting that would trigger a remand process. In addition, tribal engagement was not considered until after publication of the Step 2 Proposal.

Our comments are organized in ascending order of the Draft Briefing Book chapters that are posted on the Pathways Initiative webpage as of this date.

Chapter 2 - ROWE Corporate Organization and Governance

Governance Principles § D.3. We recommend the Board adopt and apply the essential principles used to guide the development of the stakeholder process to the ROWE organization universally, including the Board's operations and procedures.

1. Openness – participation open to all persons;
2. Transparency – transparent to the public;
3. Consensus building – build and document consensus;
4. Fair balance of interests – not dominated by a small number of sectors, and
5. Respect for minority positions;⁴
6. Due process – reasonable notice and opportunity to participate and to have views
7. considered; and
8. Timeliness – getting things done, not bogged down in stalemates.⁵

These principles encapsulate broadly accepted principles of good governance.⁶ These principles are included in the Draft Governance and Functions Tariff (Chapter 3, §5.1), the Stakeholder Process (Chapter 8, §A.2) and referenced in the Interim Stakeholder Process (Chapter 8, §K). We recommend the Board include these principles in §D.3 of the ROWE Corporate Organization and Governance document.

Transparency and Open Meeting Policy §D.1.

This is a critical component of governance, explicitly good governance. The overarching rule should be open meetings as is the case in the recommended ROWE governance structure. The use of executive session should be minimal; exceptions to an open meeting policy should be

³ Step 2 Final Proposal at 10-12 (description of process used to develop the proposal).

⁴ This principle should be interpreted consistently with FERC Order 719's stakeholder involvement policy, to include representation of minority positions to the Board. See e.g., James, Mark, et.al., R Street, "How the RTO Stakeholder Process Affects Market Efficiency," 2-3 (October 2017), available at: <https://www.rstreet.org/research/how-the-rto-stakeholder-process-affects-market-efficiency/> ("Mark James").

⁵ Step 2 Final Proposal at 79 ("The Launch Committee believes these principles, with an additional focus on efficiency and cost minimization, capture the goals of this proposed stakeholder process well.")

⁶ E.g., NERC Rule of Practice 304(1)-(6) (effective November 28, 2023); FERC Order 719, stakeholder involvement policy for markets explained in Mark James at 2-3.

limited and well defined. We recommend the Board look at CAISO's Open Meeting Policy as an example of well-defined executive session criteria.⁷ Not only does this policy provide limited and logical categories for executive session (i.e., litigation, personnel and Proprietary/Confidential/Security-Sensitive Information), it defines these categories. Without the definitions the exceptions, especially the third, could be applied in an overly broad fashion. We find the CAISO Open Meeting Policy superior to many other organizations with less well defined exceptions.

Defining Stakeholder Review Committee §A.4. A "Stakeholder Review Committee" is listed in §A4. However, this committee is not explained in this document, the Bylaws or Briefing Book Chapter 8, Stakeholder Process. We assume this is the committee that will guide the review processes recommended in Briefing Book Chapter 8 §J4a5. We support those reviews. We recommend, however, some language explaining this committee or referencing where it is explained.

ROWE Board Public Policy Committee (PPC) and Outreach to Tribes §C2a. We support the PPC; it is a key component of protecting the public and state interests. We also support the inclusion of tribal outreach in the scope of the PPC. The PPC is charged with identifying impacts on tribal policies, amongst others (bullet 3); however, tribes are not specifically included in the outreach (bullet 4). Granted the PPC is charged with outreach to "stakeholders" in addition to the entities listed in bullet 3. This is likely just an oversight. We recommend correcting §C2a by adding tribes to the list of outreach entities. Tribes are sovereigns and should not be considered general stakeholders.

Chapter 3 - ROWE Governance and Functions Tariff

Office of Public Participation (OPP) §4.7. We view the creation of the OPP as a foundational step in ensuring that the ROWE fulfills its commitment to independent governance that is inclusive of all voices. We strongly support the mission of the OPP to "empower, promote, and support public voices in ROWE processes."⁸ For too long, technical barriers and a lack of resources have acted as hurdles for individuals and non-profit groups seeking to engage in complex regional market issues. Addressing these barriers proactively will assist in the Stakeholder processes by providing a means by which new participants can quickly get up to speed on the issues and processes. By providing "accessible, reliable, and neutral explanations," the OPP will play a critical role in addressing these capacity barriers and fostering a more equitable stakeholder environment.

We are extremely pleased the OPP will be included in the Tariff. The Tariff language proposed, however, is missing key components that are included in the OPP Scope of Work which was approved and supported by the OPP Working Group, the Formation Committee and the Launch Committee and was published for review by stakeholders generally. We recommend amendment of the OPP Purpose and Role to more closely align with the Purpose and Mission in the SOW.

⁷ CAISO Open Meeting Policy, §10.0 Executive Session (v.3.12 Dec. 6, 2023) available at: <https://www.caiso.com/documents/californiaisooopenmeetingpolicy.pdf>.

⁸ Office of Public Participation Scope of Work, Mission, available at: <https://www.westernenergyboard.org/wp-content/uploads/Office-of-Public-Participation-SOW-FINAL-05292026.pdf>, ("OPP SOW").

Specifically including language that declares the OPP mission is to empower, promote and support public voices and that the OPP’s purpose is to address barriers to participation.

One of the most important functions of the OPP and necessary to achieve its purpose and role is to assist stakeholders in understanding how to participate. This was encapsulated in the first responsibility in the Scope of the SOW.⁹ Adding a clause to 4.7.2(a), “producing neutral roadmaps for public engagement on specific issues” does not fully encapsulate the extent of this function or its importance. We recommend amending §4.7.2 to include a distinct line item that memorializes this function, i.e., to assist stakeholders in understanding how to participate in the stakeholder process, and that does not imply that it is limited to producing documents like roadmaps.

ROWE-CAISO Agreement and Coordination Agreement. On page 1 a “ROWE-CAISO agreement” is referenced. Everywhere else in the draft Tariff reference is made to a “Coordination Agreement.” If these are not two different documents, use consistent language. Otherwise, explain what the ROWE-CAISO agreement is.

PPC and Tribal Engagement p. 4. The definition of the PPC does not include any reference to tribes. This is inconsistent with the proposed Corporate Organization and Governance document. Further, if outreach to tribes is included in the PPC scope, which we support, it is not appropriate to include tribes as “stakeholders” generally. See comment above in Chapter 2 regarding § C2a.

We recommend the following language throughout and across all ROWE documents and policies:

The Public Policy Committee will conduct outreach at key points in the stakeholder process to participating states, state representatives, local power authorities, tribes, and federal power marketing administration and stakeholders to collect input about the potential for any Market Initiative to have adverse impacts on a state, local, tribal or federal policy.

Further Vetting of the Governance and Function Tariff (“Governance Tariff”). We appreciate Pathways releasing an early draft of the Governance Tariff to provide us with initial thoughts on this document. At this point, there has been almost no time to explain, discuss or get broad stakeholder feedback on the provisions in the Governance Tariff. Key is an explanation for why some information would be in the Tariff and some not and the implications of that. For example, we likely support having the stakeholder sector categories in the Governance Tariff to provide stability; and support leaving the stakeholder definitions in a ROWE policy document to provide necessary flexibility. On the other hand, we have questions about including the remand in the Governance Tariff and without any explanation for the rationale would not support it.

It is our understanding the draft Governance Tariff will continue to be “stakeholdered” after the Board is seated and before submitting it to FERC. We strongly support this recommendation and recommend that it is made formally in the Briefing Book.

⁹ OPP SOW, Scope section, first bullet.

Draft Chapter 4 - ROWE Market Oversight and Data Access

No comments at this time.

Draft Chapter 5 - ROWE Budget and Finance

We view the OPP key in ensuring that the ROWE fulfills its commitment to independent governance that is inclusive of all voices. See Comment above in ROWE Governance and Functions Tariff regarding §4.7. We have concerns because the budget initially includes only one staff for the OPP. As the Board considers funding from market operations, we recommend giving a high priority to further staffing the OPP as soon as possible. In the meantime, we recommend the Board ensure these functions are being addressed within contracts with third parties, for example, such as CAISO.

Further, we continue to advocate for the creation of a funding mechanism through the OPP to support engagement by stakeholders with limited resources, such as public interest organizations and tribes, specifically travel and technical expertise. We recommend consideration of this mechanism at the earliest appropriate time.¹⁰

Updated Draft Chapter 8 - ROWE Stakeholder Process.

We strongly support the stakeholder process memorialized in Chapter 8 and view it as consistent with the stakeholder process from the Step 2 Proposal. As noted above, two of the issues that remained unresolved in the Step 2 Proposal were the remand process and the voting that would trigger the remand process.

Voting and Remand Process.

At key points in the initiative development process, an indicative vote will be taken. We strongly support indicative voting because it provides valuable information to the Board, staff and other stakeholders. At the final step of the initiative development process, just before a proposal would go to the Board, it is proposed that the voting results will also be used to establish whether a remand threshold is met using two different criteria.

We regard indicative voting, and the various breakdowns that will be reported, to provide much more value to the decision-making process than the threshold vote. Further the type of weighted voting used in the remand process has the potential for unanticipated and unwanted consequences.¹¹ As we understand the remand proposal, the vote, no matter the outcome, does not detract from the Board's authority. No matter the result of the remand process, the Board has the authority to consider the initiative proposal with or without remanding the proposal for

¹⁰ Step 2 Proposal at 72 and Appendix G: Feasibility Analysis Topics (includes this idea in topics for the Feasibility Study).

¹¹ See e.g., Mark James at 15-16 (explains unwanted consequences of various sector based voting schemes).

further stakeholder consideration. The results of the indicative vote would have a similar impact. The indicative voting data would show where support and opposition lie, and to what extent, for the Board to consider, and the Board has the authority without any stakeholder vote to send any Initiative proposal back for further stakeholder review.

Notwithstanding our concerns about the remand voting, we understand other stakeholders feel differently, and in the spirit of compromise, we agreed to a remand process triggered by a threshold vote so long as the Board has ultimate authority over the progress of an Initiative and there will be early reviews of any voting scheme after it is implemented.

The public interest organization (PIO) sector will likely be one of the larger ROWE sectors in terms of members as indicated by PIO membership in other organizations. The Western Energy Markets Regional Issues Forum (RIF)¹² Public Interest Organization and Consumer Advocate sector has 37 PIO members. The distribution list for the Pathway PIO sector has 50 members. For sectors with a large membership that may not have many sector members engaged on certain proposals, the current remand proposal and participation threshold requirements could create incentives for an entity to cast a vote that does not align with its position.¹³ Before adopting this remand proposal, the Board should carefully consider the edge cases and unintended incentives that could arise from the current remand proposal. Furthermore, if the Board proceeds with this remand proposal, the Board should pay special attention to these potential issues during its voting process reviews.

Mandatory Reviews § J4a5. We strongly support and encourage the Board to adopt the mandatory reviews recommended in Chapter 8, Stakeholder Process.

The ROWE Board should treat this remand proposal as an initial approach to this process that should be reviewed along with the other elements of the stakeholder process *at implementation* and *again after two years of ROWE operations*. (Emphasis added.)¹⁴

Tribal Engagement, §B3 and §D2b2. We strongly support and encourage the ROWE Board to adopt the recommendation to “revisit these [sector] definitions to facilitate participation as appropriate, including to specify tribal participation.”¹⁵ See our comments on tribal engagement below.

The language used for the PPC’s role in §Db2 is consistent with our above comments about memorializing the PPC role as to tribes: “The Public Policy Committee of the ROWE Board will conduct outreach to states, local power authorities, federal Power Marketing administrations, and tribes to gather input about whether those entities see potential adverse impacts to their

¹² The Regional Issues Forum (RIF), is the sector-based forum in the WEM governance structure. For more information: <https://www.westernenergymarkets.com/governance/regional-issues-forum>.

¹³ For example, if most entities in a sector oppose a proposal, an entity in that sector that supports the proposal could be incentivized to abstain from the vote to prevent the sector from clearing the participation threshold required for that sector’s vote to count towards the remand.

¹⁴ Briefing Book, Chapter 8, §5, p 35.

¹⁵ Briefing Book, Chapter 8, §B3, p.4

policies.”¹⁶ Again, we recommend using consistent and accurate language throughout the ROWE documents. This applies to the title and introductory paragraph of this section (§D2b) which omit tribal references.

Open Meeting Policy §B1. We support the transparency provisions and open meeting standard included in Chapter 8 and note the open meeting exceptions are limited to three areas. We strongly encourage the Board to adopt definitions of these categories, otherwise, a broad interpretation could undermine the policy. See our comment above on ROWE Corporate Organization and Governance in regard to §D1.

“Active Interest” is too limiting for participation requirement §B3. Chapter 8 includes the following: “Organizations may participate in a sector so long as they have an “active interest” (e.g.: serving load, owning generation, making purchases, representing customers) in the market within the WEIM and/or EDAM footprint.” We recommend extending the list of examples to include “organizations representing a public interest impacted by the market.”

Interim Stakeholder Process §K

Key documents will be developed and finalized in the interim period, e.g., ROWE Governance Tariff and potentially Resource Adequacy (RA) Program. The interim period is the date the ROWE Board is seated through the date when authority over the Western Energy Markets (WEM) operation rules is transferred to the Board, expected to be October 2026 through early 2028. We strongly support an interim stakeholder process that closely aligns with the long-term stakeholder process described in the other sections of this chapter. We understand the need to balance this with available resources, timelines and efficiency and that some compromises will need to be made.

Again, we strongly recommend the Board adopt the eight essential principles used to guide the development of the stakeholder process (quoted in comments to Draft Chapter 2 above) to guide the development of the interim stakeholder process, as well as the operation of the interim stakeholder process itself.¹⁷ Further, we strongly recommend developing this process with feedback from broad and diverse stakeholders in a public and transparent manner.¹⁸

Interim Stakeholder Process §K: Extending ROWE Services to the EDAM RA Program.

We support extending the ROWE’s services to include an RA Program. This includes both developing the program under the ROWE’s auspices and operating the program using the ROWE’s stakeholder process and under the ROWE’s authority. The above comments in the prior two paragraphs apply to the development of the RA Program that takes place during the interim period.

Once the ROWE’s full long-term stakeholder process is established, the Board should use the long-term stakeholder process to complete the development of the RA Program. That process represents the best practices and compromises from a broad and diverse group of stakeholders. See introductory paragraphs of this document.

¹⁶ Briefing Book, Chapter 8, §D2b2. pp. 11-12.

¹⁷ See Briefing Book, Chapter 8 §K, p.8 FN.9.

¹⁸ See Briefing Book, Chapter 8 §K p.37.

Second, we recommend applying transparency and inclusivity into the RA Program development process as soon as possible, i.e., the interim stakeholder process. We appreciate the thoughtful work done thus far by a small group of utilities that will be participating in the RA program (the EDAM Resource Adequacy Work Group), but recommend a shift in the stakeholder process. Up to this point, decisions on the design document are being made by the EDAM RA Work Group. This includes, for example, which suggestions to include in the design proposed to the ROWE Board. Further, the EDAM RA Work Group continues to conduct discussions in closed meetings that could lead to the decisions about what goes to the Board for approval. At this juncture, we recommend broadening the membership of the group and making it a general rule to hold open meetings with clearly and narrowly defined exceptions for closing meetings. This shift will enhance, among other things, the quality and durability of the program design.

Other: Tribal Engagement

The Pathways volunteers recognize that there was little or no tribal engagement in developing the Step 2 Proposal. To address this inadequacy, the Pathways Initiative has established a Tribal Engagement Work Group. We laud this effort and recommend the Board support it on an ongoing basis. We strongly support the development of a ROWE Tribal Engagement Plan and encourage the Board to support the continuation of the Tribal Engagement Work Group, Gridworks and Lepwe in their ongoing efforts. We encourage the Board to consider the information that will be coming out of the Tribal Engagement Work Group and maintain flexibility to make amendments to any of the Briefing Book recommendations and other ROWE documents and policies to support and encourage tribal engagement, for example, the inclusion of a tribal liaison at the appropriate level in the organization if requested by the tribes.