



February 10, 2026

Via E-Mail: Comments@WestWidePathwaysInitiative.org

West-Wide Governance Pathways Initiative

RE: Idaho Governor's Office of Energy and Mineral Resources, Utah Office of Energy Development and Wyoming Energy Authority Joint Comments on Regional Organization for Western Energy Draft Bylaws

The Idaho Governor's Office of Energy and Mineral Resources (OEMR), Utah Energy Development (UED), and Wyoming Energy Authority (WEA) appreciate the opportunity to jointly comment on the Regional Organization for Western Energy (ROWE) draft bylaws. We also appreciate the Pathways Initiative's focus on emphasizing state energy policy priorities, market independence, transparency, and collaboration. The aforementioned entities also appreciate the consideration and inclusion of some of our recommendations during the comment period for the first version of the Bylaws. However, as currently structured, several provisions rely on circular governance mechanisms that make it difficult to ensure these principles are realized. To further enhance structures that foster a fair, transparent, and efficient electricity market that benefits all stakeholders and respects state energy policy priorities in the Western Interconnection, we jointly offer these comments on the second draft of the bylaws. Our comments focus mainly on data transparency and market monitoring activities.

As stated in previous iterations of our comments, we believe that explicitly stating that the Board of Directors is required to consult with the BOSR on tariff changes that materially affect State policy, significant resource adequacy, or market structure impacts, will highlight the BOSR's critical role in advising the Board on significant policy decisions as well as emphasizing the importance of each state's perspectives on market design changes that could affect state policy priorities. We suggest a new proposed section 4.1.2. to include this language.

The remainder of our comments will focus on the importance of data and market information. We cannot overstate the importance of ensuring access to data and market information to assist states in better understanding how the existing and evolving market design would impact state energy policies and economic priorities. Data transparency is critical to ensuring that state energy offices, commissions, and policymakers can accurately assess market performance, resource adequacy, and cost implications for their constituents and can do so fully independent of the market operator, its own internal market monitor and market expert, and market participants. Recognizing that some market data may be commercially sensitive, the Bylaws or ROWE Rules should explicitly allow state entities to enter into confidentiality agreements to responsibly access and analyze this critical information. Additionally, to strengthen oversight and build state-level expertise, we strongly encourage the allowance of third-party consultants to assist states in monitoring and interpreting market activities, provided they, too, are bound by confidentiality agreements. This access is critical given the seemingly unilateral ability of the Board to determine confidential information and how it is accessed. This



approach would enhance the technical capacity of states to engage in market discussions, promote a balanced understanding of market dynamics, and ensure that decision-making processes within ROWE continue to reflect the diversity of state interests and the shared goals of transparency and reliability across the Western Interconnection. The commitment to data transparency and access should be explicitly stated in the Bylaws.

Finally, we underscore the importance of independence, both in market operations and in the analysis of market outcomes, as essential to building and maintaining trust among stakeholders, as well as for ensuring optimal market outcomes. An independent framework for data access, evaluation, and reporting that is fully independent of the market operator, the internal market monitor and other market experts, and market participants would promote confidence that market decisions are fair, unbiased, don't infringe on state energy policy, and are aligned with the public interest. As western markets expand in scope and influence through regional initiatives, the rigor and independence of the governance must scale. Further enhancing independence within ROWE's governance and oversight processes will reinforce transparency and accountability, ultimately fostering a more durable and collaborative regional market structure.

Best practices for independent market monitoring include ensuring that the monitoring function is institutionally separate from both the market operator and governance body, with a clear mandate to evaluate market performance and participant behavior objectively. Considering that the internal market monitor and the independent market expert will not be selected by the states, the states should have full access to market data and be able to use their own selected consultants under a confidentiality framework, while also being empowered to share their findings with both ROWE's governing body and participating states, and issue regular public reports that promote transparency and confidence in market operations. This model will help states understand how market design choices affect state energy policies and state-specific economic outcomes. Adopting this additional data sharing framework would demonstrate a fundamental commitment to transparency, accountability, fairness, and a respect for state energy policies across all participating jurisdictions.

In conclusion, we appreciate the opportunity to submit comments on the ROWE Draft Bylaws. However, we again wish to emphasize that despite the stated intentions of the ROWE to respect state energy policies, we believe that in practice, this will be extremely difficult to achieve without stronger, clearer, and more enforceable commitments in the Bylaws themselves. The existing structure in which the Board controls its own selection, procedures, transparency standards, and policy interpretation, with duplicative sections, limited oversight, and no mandatory engagement or procedural consequences, is concerning. State energy policy is not an advisory or peripheral matter. It is foundational to how markets in the Western Interconnection must function and is required for effective governance. State energy policy, particularly in Idaho, Utah, and Wyoming, is also the backbone of our respective states' economic prosperity. Without strengthened provisions, there is a serious risk that market design and governance principles will infringe on state energy policy priorities, erode transparency, and



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undermine public trust. All western states, including our three states, have unique and widely varying policy priorities and economic development goals that must be protected. We emphasize the importance of ensuring that state energy policies are on equal footing, are fully respected and equitably treated in the Western Market operated by the California Independent System Operator (CAISO).

Our states look forward to further constructive stakeholder engagement opportunities to ensure that any regional organization is built on principles of fairness, transparency, and respect for state authority.

Sincerely,

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