The Center to Protect Ranchers

CPR Rescission Filing with the Trump Administration – OMB – 2025-06316

Repeal of Federal Regulations Advancing Xcel Energy's ESG Agenda at the Expense of Ranchers

Filing Details:
Department of Energy – Federal Energy Regulatory Commission (FERC)
Title 18 – Part 35

Filing Entity:
Center to Protect Ranchers – Institute for Legislative Analysis

Rescission Type:
Final Rule
FERC Order 1920-A

Filing Date:
May 12, 2025

Short Summary of the Justifications for the Rescission:

The Center to Protect Ranchers (CPR), the only national conservative organization dedicated exclusively to safeguarding the rights and livelihoods of ranchers, strongly urges the immediate repeal of Order 1920 due to its reckless financial, operational, and public safety consequences. It mandates massive new expenditures on renewable energy transmission infrastructure – much of which is unnecessary – without regard for the fiscal, logistical, or safety realities faced by utilities, rural landowners, or public utility commissions (PUCs). These expenditures will be passed directly to ratepayers through higher electric bills, disproportionately harming rural Americans.

A particularly urgent concern is that the rule's push for new, long-distance transmission lines will come at the expense of maintaining existing infrastructure. Ratepayers cannot sustain large increases in their monthly utility bills, therefore, every dollar allocated to new renewable projects is a dollar diverted from other critical maintenance activities like vegetation management, line inspections, or hardening aging equipment—many of the very issues linked to catastrophic wildfires.

The dangers of such neglect are no longer theoretical. Xcel Energy offers a disturbing example of the potential outcomes. The utility has been directly implicated in both the **2021 Marshall Fire in Colorado** and the **2024 Smokehouse Creek Fire in Texas**. The former the largest wildfire in Colorado history, and the latter the largest wildfire in Texas history – burning over 1.2 million acres and killing an estimated 12,000 head of cattle. Xcel's infrastructure failures were at the center of both events. Yet, during the same timeframe, the utility shifted significant focus and capital toward ESG-driven investments in renewable energy and politically motivated initiatives, as documented in its own ESG reports and press releases.*

Contained within Xcel's releases are details on how federal funds for wildfire mitigation and grid resiliency were directed toward solar, battery, and microgrid projects in "communities of color", such as Minneapolis—communities likely chosen for socio-political reasons under their ESG framework.** Xcel's allocation of resources highlights what happens when energy policy is guided by ideological mandates rather than solely operational realities and public safety. Order 1920 exacerbates this very dynamic by embedding decarbonization and equity considerations directly into regional transmission planning. It institutionalizes the diversion of resources away from high-risk areas and essential maintenance. Despite an entire year passing since the Smokehouse Creek fire, ranchers continue to suffer in the aftermath due to the failure of Xcel to pay claims and make ranchers whole. Rescinding this rule is essential to protecting energy reliability and ensuring another catastrophic wildfire event such as Smokehouse Creek is not repeated.

* https://corporate.my.xcelenergy.com/s/about/report/document-library
**https://corporate.my.xcelenergy.com/s/about/newsroom/press-release/xcel-energy-receives-100-million-department-of-energy-grant-to-boost-wildfire-mi-MCFFNTYYL2FNAATFMYQTRRAHB7JQ

Background for the Regulation being Rescinded:

Order No. 1920 was finalized by the Federal Energy Regulatory Commission (FERC) in **May 2024** and is widely viewed as the most consequential regulatory overhaul of the electricity transmission system since **Order No. 1000**, which was issued in 2011. Like its predecessor, Order 1920 addresses regional transmission planning and cost allocation, but it goes far beyond Order 1000 in scope, prescriptiveness, and ambition.

Spanning more than **1,300 pages**, Order 1920 requires transmission providers to develop **20-year regional planning horizons** that account for specific forward-looking policy objectives, including state and federal decarbonization laws, corporate emissions goals, electrification trends in buildings and transportation, and anticipated generator retirements. These are not mere considerations—they are required categories for analysis in long-term scenario planning, which will shape the next generation of energy infrastructure investments.

The regulatory framework was justified on the grounds of increasing grid reliability and improving resilience. However, it quickly became apparent that the real effect would be to mandate new high-voltage transmission lines to accommodate intermittent renewable energy, often generated far from where demand exists. These lines are expensive, slow to build, environmentally disruptive, and in many cases, redundant or unjustified based on local needs. The rule has been championed by progressive groups like the League of Conservation Voters, which claimed it would "vastly expand transmission to meet the increasing demand for clean energy." But conservative lawmakers and organizations saw the rule as a de facto national green energy mandate. **Congressman Chip Roy (R-TX)**, a member of the House Freedom Caucus, led efforts to block its implementation. In July 2024, he introduced **House Amendment #1115** to an appropriations bill that would have defunded Order 1920, citing its role in forcing "everyday Americans to subsidize transmission lines so renewable developers can reap the benefits of billions in federal subsidies." Although the amendment failed by a narrow vote of **209–213**, it exposed deep partisan division and the growing grassroots opposition to the order.

In **November 2024**, FERC issued **Order No. 1920-A**, a follow-up that provided modest procedural clarifications but left the core mandates intact.

A critical failing of Order 1920 is that it **does not seriously consider safety risks**, including the increased wildfire threat that comes from deferred maintenance and expanded infrastructure footprints. The only mention of wildfires in the rulemaking docket came from **NARUC**, which warned that "some wildfires have been linked to deferred transmission maintenance of aging infrastructure." But this issue was not explored in depth, no risk assessment was conducted, and no fire-related mitigation requirements were integrated into the rule. This omission, in light of recent utility-sparked disasters, reflects a dangerously narrow focus in the Commission's planning priorities.

Reason for the Rescission:

This rule represents a dangerous acceleration of centralized planning and ideological policymaking in the utility sector—policies that are not only economically harmful but now proven to be deadly.

At the heart of CPR's opposition is the growing epidemic of wildfires ignited by neglected utility infrastructure. From California to Colorado to Texas, the largest and most destructive fires in recent history have been directly traced to aging power lines and failed equipment—fires that could have been prevented with more aggressive maintenance and system modernization. Ranchers are often the first victims: their lands are vast, exposed, and rural utility infrastructure often traverses them. The 2024 **Smokehouse Creek Fire**, caused by Xcel Energy, burned over 1.2 million acres, destroyed thousands of ranching operations, and killed **more than 12,000 cattle**, representing one of the worst agricultural disasters in American history.

In the aftermath, CPR conducted a comprehensive investigation into Xcel Energy's operational priorities. The findings are disturbing. Rather than solely prioritizing grid reliability and safety, Xcel has aligned its wildfire mitigation programs with the **United Nations Sustainable Development Goals (SDGs)**, which emphasize climate action, equity, and clean energy transitions. Xcel openly describes its ESG strategy as the lens through which it makes investment decisions.*

What this reflects is a growing pattern: under the guise of "resilience" and "clean energy," utilities are being incentivized to pursue politically favorable projects that check ESG boxes but fail to address actual threats to life, property, and infrastructure. Order 1920 formalizes this misdirection by requiring long-term transmission planning to incorporate seven specific policy categories—including decarbonization laws, electrification goals, corporate climate pledges, and other public policy factors. The result is a pipeline of projects driven not by engineering necessity or local demand, but by federal and state climate mandates and corporate ESG agendas.

As utilities like Xcel chase decarbonization metrics, ratepayers are left footing the bill. Electricity prices have surged, and the burden falls hardest on low-income families and communities of color. Meanwhile, utility executives are rewarded with multimillion-dollar bonuses for hitting emissions targets—creating a perverse system of wealth transfer from working-class Americans to elite corporate leadership, enabled by government regulation

*https://xcelnew.my.salesforce.com/sfc/p/#1U0000011ttV/a/8b000002eZMe/H3nOPBe1ht.Cegh_a0ItFkdW6bakvxV5Kh3OCzBC.NU

CPR believes energy policy must be rooted in reality. It must prioritize **reliability, affordability, safety, and technological neutrality**. Ranchers, landowners, and rural communities are on the front lines of these failures, and they deserve a voice in reshaping the regulatory framework. Rescinding Order 1920 is the first, essential step.

Returning temporarily to **Order 1000** may be imperfect, but it is significantly less dangerous. At least under that framework, competitive bidding was preserved, and utilities were not required to embed such radical ideological factors into infrastructure planning. Upon repeal of Order 1920, CPR calls on the Trump Administration to develop a **balanced, transparent, and practical approach** to transmission planning. That framework must:

- Focus on upgrading and maintaining existing systems,
- Maintain the elimination of right of first refusal (ROFR) to preserve competition,
- Treat all energy sources equally,
- And prevent politicized state regulatory schemes from overriding public safety and economic stability.

Until that happens, ranchers will remain in danger—not only from natural disasters, but from misguided energy policy imposed from above.

<u>Text of the Relevant C.F.R. Provisions as it will Exist after the Rescission:</u>

Regulatory Policy will Revert to FERC Order No. 1000 - Transmission Planning and Cost Allocation

Respectfully Submitted,

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