



Christopher Kirkpatrick, Secretary  
Commodity Futures Trading Commission  
Three Lafayette Center  
1155 21<sup>st</sup> Street, N.W.  
Washington, D.C. 20581

**Re: Comments of ITC Great Plains, LLC on the Notice of Proposed Order and Request for Comment on the Final Order in Response to a Petition From Certain Independent System Operators and Regional Transmission Organizations To Exempt Specified Transactions Authorized by a Tariff or Protocol Approved by the Federal Energy Regulatory Commission or the Public Utility Commission of Texas From Certain Provisions of the Commodity Exchange Act Pursuant to the Authority Provided in the Act**

Dear Mr. Kirkpatrick,

ITC Great Plains, LLC (“ITC Great Plains”) respectfully submits these comments in opposition to the Commodity Futures Trading Commission’s (“CFTC’s”) Proposed Order and Request for Comment on the Final Order in Response to a Petition From Certain Independent System Operators and Regional Transmission Organizations To Exempt Specified Transactions Authorized by a Tariff or Protocol Approved by the Federal Energy Regulatory Commission or the Public Utility Commission of Texas From Certain Provisions of the Commodity Exchange Act Pursuant to the Authority Provided in the Act (“Proposed Order”).<sup>1</sup>

ITC Great Plains is an independent, stand-alone transmission company engaged exclusively in the development, ownership and operation of facilities for the transmission

---

<sup>1</sup> *Proposed Order and Request for Comment on the Final Order in Response to a Petition From Certain Independent System Operators and Regional Transmission Organizations To Exempt Specified Transactions Authorized by a Tariff or Protocol Approved by the Federal Energy Regulatory Commission or the Public Utility Commission of Texas From Certain Provisions of the Commodity Exchange Act Pursuant to the Authority Provided in the Act*, 81 Fed. Reg. 30245 (May 16, 2016) (“Proposed Order”).

of electric energy in interstate commerce. ITC Great Plains is a member of the Southwest Power Pool, Inc. Regional Transmission Organization, and is an affiliate of three transmission owning members of the Midcontinent Independent System Operator, Inc. Regional Transmission Organization.

ITC Great Plains opposes the Proposed Order to amend the CFTC's April 2013 Order<sup>2</sup> to allow for private rights of actions. Permitting private rights of action will generate significant regulatory uncertainty in Regional Transmission Organization-administered energy markets, and will impair the orderly functioning of these markets to the detriment of all market participants. These markets are presently subject to rigorous and effective oversight by the Federal Energy Regulatory Commission, which would be seriously undermined by the creation of a private right of action for third parties. Conversely, the creation of such a right of action serves no public interest.

Respectfully submitted,

/s/ James W. Bixby  
James W. Bixby  
ITC Holdings Corp.  
601 Thirteenth Street N.W.  
Suite 710S  
Washington, DC 20005

*Counsel for ITC Great Plains, LLC*

June 15, 2016

---

<sup>2</sup> *Final Order in Response to a Petition From Certain Independent System Operators and Regional Transmission Organizations To Exempt Specified Transactions Authorized by a Tariff or Protocol Approved by the Federal Energy Regulatory Commission or the Public Utility Commission of Texas From Certain Provisions of the Commodity Exchange Act Pursuant to the Authority Provided in the Act, 78 Fed. Reg. 19880 (April 2, 2013).*