

MC Legal Report
Summary of Significant Filings, Legal Activity and
Federal Energy Regulatory Commission (Commission) and Court Orders
(June 11, 2023 – July 12, 2023)

ORDERS

On June 26, 2023, in Docket No. ER21-253-004, the Commission issued a letter order accepting the filing PJM submitted on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company, of a compliance filing with revisions/modifications to the PJM Open Access Transmission Tariff, at Attachments H-11A and H-11B. The revisions by Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company become effective as of January 1, 2023.

On June 14, 2023, in Docket No. EL23-53-000 et al., the Commission issued an order granting a motion filed by PJM on May 24, 2023 requesting a motion for adoption of a protective order to govern the provision and protection of confidential information in proceedings before the Commission regarding the assessment of Non-Performance Charges for shortfalls in Capacity Resources' performance during Performance Assessment Intervals triggered by PJM's invocation of emergency procedures during Winter Storm Elliott.

On June 13, 2023, in Docket Nos. ER23-1408-000 and ER23-1408-001, the Commission issued a letter order accepting the filings by PJM of proposed revisions to PJM Tariff, Schedule 12-Appendix A, to incorporate cost responsibility assignments for 73 baseline upgrades in the recent update to the Regional Transmission Expansion Plan approved by the PJM Board of Managers on February 15, 2023. PJM's revisions become effective as of June 14, 2023.

On June 13, 2023, in Docket Nos. ER23-1408-000 and ER23-1408-001, the Commission issued a letter order accepting the filings by PJM of proposed revisions to PJM Tariff, Schedule 12-Appendix A, to incorporate cost responsibility assignments for 73 baseline upgrades in the recent update to the Regional Transmission Expansion Plan approved by the PJM Board of Managers on February 15, 2023. PJM's revisions become effective as of June 14, 2023.

FILINGS

On July 11, 2023, in Docket No. ER22-2110-000, PJM filed a letter to notify the Commission that the Transition Date for commencement of its reformed interconnection process occurred on July 10, 2023.

On July 7, 2023, in Docket No. ER23-1996-000, PJM submitted a Motion for Leave to Answer and Answer to the July 5, 2023 Motion for Leave to Answer and Answer to the Answer of American Municipal Power, Inc. (AMP), East Kentucky Power Cooperative, Inc. (EKPC), and AES Clean Energy Development, LLC (AES) regarding the proposed revisions to the definition of Emergency Action.

On July 7, 2023, in Docket No. ER23-2185-000, PJM filed a Limited Protest to CE-Shady Farm LLC's June 16, 2023 ("CE-Shady Farm") petition for limited waiver of ("Petition") Tariff, section 212.4(c) and Tariff, section 212.4(d) that resulted in the removal of CE-Shady Farm's AE2-120 project from PJM's queue due to its failure to post security by the Tariff deadline. PJM requested CE-Shady Farm's Petition be denied.

On July 3, 2023, in Docket No. EL23-72-000, PJM Interconnection, L.L.C. filed with the Commission a request for privileged treatment of information for the non-public version of the answer that PJM filed on June 30, 2023.

On June 30, 2023, in Docket No. EL23-72-000, PJM Interconnection, L.L.C., submitted to the Commission a Motion for Leave to Answer and Answer to Payton Solar, LLC's June 21, 2023 answer filed in response to answers

responding to Payton Solar's complaint. PJM submits this answer to provide additional context and records in response to statements made in the Payton Answer that PJM disputes.

On June 30, 2023, in Docket No. ER23-1851-000, PJM Interconnection, L.L.C., submitted to the Commission a Motion for Leave to Answer and Answer to Payton Solar, LLC's June 21, 2023 answer filed in response to answers responding to Payton Solar's protest of the filing submitted by PJM in this proceeding on May 8, 2023. PJM submits this answer to provide additional context and records in response to statements made in the Payton Answer that PJM disputes.

On June 30, 2023, in Docket No. ER23-2327-000, PJM filed with the Commission a request for approval for the recovery of penalties arising from a Commission-approved Settlement Agreement between PJM and ReliabilityFirst Corporation. The filing requests that the Commission accept the filing by no later than August 30, 2023.

On June 30, 2023, in Docket No. ER23-2316-000, PJM filed with the Commission a ministerial clean-up filing to ensure PJM's Open Access Transmission Tariff (Tariff) correctly reflects the Commission-accepted language in Tariff, Schedule 9. The filing requests an effective February 1, 2023.

On June 28, 2023, in Docket No. EL23-57-002, Lee County Generating Station, LLC, (Lee County) and PJM, jointly filed a request for waiver to allow PJM and Lee County to agree to a deferral of Lee County's obligation to pay its remaining six monthly Performance Assessment Interval invoices until the first six months of 2024, pursuant to a stipulation by the parties. The filing requests that the Commission grant the request for waiver by no later than July 13, 2023.

On June 28, 2023, in Docket No. EL23-77-000, PJM Interconnection, L.L.C. submitted to the Commission an unopposed request for a two-week extension of time to answer the complaint filed by Parkway Generation Operating LLC and Parkway Generation Sewaren Urban Renewal Entity LLC against PJM regarding Winter Storm Elliott-related issue.

On June 26, 2023, in Docket No. ER23-1996-000, PJM submitted a Motion for Leave to Answer and Answer to the June 22, 2023 Comments of the Market Monitor, which was made in response to PJM's May 30, 2023 proposed revisions to the PJM Tariff to refine the definition of Emergency Action for purposes of determining Performance Assessment Intervals.

On June 26, 2023, PJM filed Comments to the initial Recommendations of the Co-Chairs of the NAESB Gas-Electric Harmonization Forum. The Comments provide specific preliminary feedback from PJM on a number of the draft Recommendations.

On June 26, 2023, in Docket No. ER21-2020-002, PJM submitted on behalf of Potomac Electric Power Company (PEPCO) and Baltimore Gas and Electric Company (BGE) an executed Settlement Agreement and related documents that resolve, upon the Commission's approval of this Settlement Agreement without condition or modification unacceptable to the Parties, all issues in Docket Nos. ER21-2020-000, ER21-2020-001 and ER21-2023-000. PEPCO and BGE request the revisions become effective as of August 1, 2021.

On June 26, 2023, in Docket No. ER21-2023-001, PJM submitted on behalf of Potomac Electric Power Company (PEPCO) and Baltimore Gas and Electric Company (BGE) an executed Settlement Agreement and related documents that resolve, upon the Commission's approval of this Settlement Agreement without condition or modification unacceptable to the Parties, all issues in Docket Nos. ER21-2020-000, ER21-2020-001 and ER21-2023-000. PEPCO and BGE request the revisions become effective as of August 1, 2021.

On June 26, 2023, in Docket No. ER23-1609-001, PJM submitted a compliance filing in accordance with the Commission's June 9, 2023 Order. In the June 9, 2023 Order, the Commission directed PJM to specify in the Tariff the dates it will conduct the Base Residual Auctions and Incremental Auctions for the 2025/2026 Delivery Year through the 2028/2029 Delivery Year. Upon acceptance of PJM's compliance filing, PJM's proposed Tariff revisions become effective as of June 10, 2023.

On June 22, 2023, in Docket No. ER23-1653-001, PJM submitted on behalf of Jersey Central Power & Light Company (JCP&L) submitted a filing in response to FERC's May 26, 2023 deficiency letter related to JCP&L's April 17 filing requesting authorization. JCP&L requested its response be effective as of June 17, 2023.

On June 21, 2023, in Docket No. ER23-1874-000, PJM filed an answer to the comments filed by Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM (the "IMM") on June 6, 2023, in the proceeding to revise the Tariff, Schedule 6A to add qualification procedures, testing, performance requirements, and compensation for Fuel Assured Black Start Units.

On June 20, 2023, in Docket No. ER23-1996-000, PJM submitted an answer to comments and protests regarding the proposed revisions to Performance Assessment Interval Triggers.

On June 16, 2023 in Docket Nos. EL23-53-000, EL23-54-000, EL23-55-000 and EL23-59-000, PJM Interconnection, L.L.C. submitted a motion requesting that the Commission revise the official filing date assigned to each of PJM's separately filed Answers to reflect that these submissions were delayed due to extraordinary circumstances involving eFiling system issues in the four above-captioned proceedings against PJM regarding non-performance charges during Winter Storm Elliott.

On June 15, 2023 in Docket No. EL23-75-000, PJM Interconnection, L.L.C. submitted an unopposed motion requesting a two-week extension of time to answer the complaint filed by CPV Maryland, LLC and Competitive Power Ventures Holdings, LP against PJM regarding non-performance charges during Winter Storm Elliott.

On June 14, 2023, in Docket No. ER23-1851-000, PJM Interconnection, L.L.C. electronically submitted to FERC a Motion for Leave to Answer and Answer to Payton Solar, LLC's May 30, 2023 protest of the filing submitted by PJM in this proceeding on May 8, 2023, concerning unexecuted service agreements in which Payton Solar, LLC is the Interconnection Customer.

On June 14, 2023, in Docket No. ER22-962-004, PJM submitted a compliance filing in the Order No. 2222 compliance proceeding, in accordance with the Commission's May 30, 2023 in this proceeding. In the May 30, 2023 order, the Commission, among other things, directed PJM to modify its proposed language related to capacity market mitigation and address issues related to the effective date for such provisions. PJM also clarifies that the capacity market mitigation rules would apply when DER Capacity Aggregation Resources can first participate in PJM's capacity market, and PJM proposes to defer setting an effective date for the capacity market revisions. PJM requests Commission action by November 30, 2023 on this filing.

On June 13, 2023, in Docket No. ER22-2359-000, PJM submitted a motion requesting an extension of time, until September 29, 2023, to respond to one aspect of the Commission's compliance directive set forth in its May 18, 2023 Order on Compliance. PJM intends to respond to all other aspects of the Commission's compliance directives by July 17, 2023, as required. PJM further requested the Commission waive, or shorten, the answer period for the motion and grant PJM's extension request no later than June 20, 2023.

On June 9, 2023, in Docket No. ER23-7-000, PJM submitted the Pre-filed Statement of Adam Keech regarding the June 15, 2023 Commissioner-led forum to examine the PJM Capacity Market.

On June 9, 2023, in Docket No. ER23-7-000, PJM submitted the Pre-filed Statement of Manu Asthana regarding the June 15, 2023 Commissioner-led forum to examine the PJM Capacity Market.

On June 12, 2023, in Docket No. ER23-2123-000, PJM submitted on behalf of Silver Run Electric, LLC a request for incentive rate abandonment recovery and revisions to Attachment H-27A of Silver Run's Formula Rate Template. Silver Run Electric, LLC is requesting that the requested incentive and revisions to Attachment H-27A be effective as of August 14, 2023.

On June 12, 2023, in Docket No. ER23-2123-000, PJM submitted on behalf of Silver Run Electric, LLC a request for incentive rate abandonment recovery and revisions to Attachment H-27A of Silver Run's Formula Rate Template. Silver Run Electric, LLC is requesting that the requested incentive and revisions to Attachment H-27A be effective as of August 14, 2023.