

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

ORDERS

On September 5, 2023, in Docket No. ER22-2110-004, and in compliance with the Commission's November 29, 2022 order accepting PJM's comprehensive reforms to its interconnection process, PJM notified the Commission that Tariff, Part VIII, will become effective October 5, 2023. The filing included revised eTariff metadata to effectuate this effective date but did not change any of the rates, terms or conditions of service under the Tariff.

On July 21, 2023, in Docket No. ER23-2465-000, the Commission issued a letter order accepting the filing by PJM of a ministerial clean-up filing to ensure PJM's Open Access Transmission Tariff (Tariff) correctly reflects the Commission-accepted language in Tariff, Attachment DD, section 5.14. PJM's revisions become effective as of September 20, 2023.

On August 28, 2023, in Docket No. ER23-2316-000, the Commission ~~accepted~~**accepted** a ministerial clean-up filing to ensure PJM's Tariff correctly reflects the Commission-accepted language in Tariff, Schedule 9, effective as requested, February 1, 2023.

On August 21, 2023, in Docket No. ER23-1653-001, the Commission issued an order accepting the filing by PJM submitted on behalf of Jersey Central Power & Light Company (JCP&L) of the filing in response to FERC's May 26, 2023 deficiency letter related to JCP&L's April 17 filing requesting authorization. The Commission's order accepted JCP&L's filing effective as of August 22, 2023.

FILINGS

On September 11, 2023, in Docket No. EL21-78-000, PJM together with the Market Monitor filed a joint motion requesting the Commission expedite action with respect to acceptance of PJM's proposal to replace real time values with temporary exceptions by December 1, 2023.

On September 8, 2023, in Docket No. EL23-53, et al., PJM Interconnection, L.L.C. filed a joint motion for waiver of tariff provisions in order to allow PJM to defer collection of the remaining unbilled Non-Performance Charges associated with Winter Storm Elliott, and disbursement of the revenue from those Non-Performance Charges to Market Participants that had Bonus Performance during Winter Storm Elliott, upon filing of a settlement agreement in the captioned dockets, until PJM can implement the billing consequences of the Commission's approval or rejection of the Settlement. The filing requests that the Commission grant the request for waiver by no later than September 25, 2023.

On September 8, 2023, in Docket No. ER23-1407-002, PJM submitted on behalf of American Electric Power Service Corporation (AEPSC) on behalf of its affiliate Transource Pennsylvania, LLC, a compliance filing to revise Tariff, Attachment H-29B of the PJM Open Access Transmission Tariff Attachment H-29B to comply with the Federal Energy Regulatory Commission's August 11, 2023, Order on Transmission Rate Incentives. Transource requested that the revisions be effective as of August 12, 2023.

On September 5, 2023, in Docket No. ER23-1851-002, PJM submitted an amended filing of an unexecuted Interconnection Service Agreement (ISA) among PJM, Payton Solar, LLC, and Commonwealth Edison Company designated as Service Agreement No. 6917 and an unexecuted Interconnection Construction Service Agreement (ICSA) among the same parties designated as Service Agreement No. 6918. PJM submitted the Amended Filing for

the purpose of resetting the statutory date for Commission action in this proceeding. PJM requested the ISA and ICSA be effective as of July 8, 2023.

On September 5, 2023, in Docket No. EL23-29-000, PJM Interconnection, L.L.C. submits request of abeyance to permit the parties to continue discussion re February 1, 2023, Complaint and is also requesting to shorten the answer period on this motion to three days, and granting expedited consideration of this motion by September 8.

On September 5, 2023, in Docket No. ER22-2110-004, and in compliance with the Commission's November 29, 2022 order accepting PJM's comprehensive reforms to its interconnection process, PJM notified the Commission that Tariff, Part VIII, will become effective October 5, 2023. The filing included revised eTariff metadata to effectuate this effective date but did not change any of the rates, terms or conditions of service under the Tariff.

On September 1, 2023, in Docket No. ER22-962-005, PJM submitted a compliance filing in the Order No. 2222 compliance proceeding related to the participation of Distributed Energy Resource Aggregations in PJM markets, in accordance with the Commission's March 1, 2023 order accepting PJM's initial February 1, 2022 Order No. 2222 compliance filing.

On August 31, 2023, in Docket Nos. EL19-58-002 and EL19-58-003, PJM submitted an informational filing to provide the Commission with revenue and fuel price data analyzing the impact of reserve market reforms on reserve price formation.

On August 31, 2023, in Docket No. ER23-2744-000, PJM submitted on behalf of The Potomac Edison Company (Potomac Edison) a request for authorization to recover 100 percent of prudently incurred costs to rebuild the Potomac Edison-owned portion of the Doubs-Goose Creek 500 kV Transmission Line (the Project), in the event the Project is abandoned or cancelled for reasons beyond Potomac Edison's control (the Abandoned Plant Incentive). Potomac Edison is requesting that Commission issue an order granting the Abandoned Plant Incentive for the Project effective October 31, 2023.

On August 30, 2023, in Docket No. ER23-2602-000, PJM filed with the Commission comments to the request for waiver of the 90-day prior notice requirement set forth in Schedule 2 of the PJM Tariff filed by the Heritage Reactive Suppliers which are subsidiaries of Heritage Power, LLC. Heritage Power, LLC, the Heritage Reactive Suppliers, and Heritage Power Marketing, LLC, which is a PJM member, are debtors in pending Chapter 11 bankruptcy cases.

On August 30, 2023, in Docket No. EC23-117-000, PJM filed with the Commission comments to the Federal Power Act Section 203 application filed by Heritage Power, LLC, on behalf of its public utility subsidiaries which includes Heritage Power Marketing, LLC who is a PJM Member.

On August 28, 2023, in Docket No. RM22-14-001, PJM filed a request for clarification and rehearing of Order No. 2023, FERC's final rule mandating revisions to transmission provider generator interconnection processes and agreements. PJM requested clarification, or in the alternative, rehearing that Order No. 2023 does not require PJM to modify its recently approved comprehensive interconnection queue reforms in a piecemeal fashion, sought rehearing of the study delay penalty provisions, and sought clarification or rehearing of other aspects of Order No. 2023.

On August 28, 2023, in Docket No. ER23-2714-000, PJM submitted clerical and ministerial revisions to correct, clarify, and/or make consistent certain provisions of the PJM Tariff, PJM Operating Agreement, and Reliability Assurance Agreement. PJM is requesting an effective date of October 28, 2023

On August 28, 2023, in Docket No. ER23-1996-001, PJM submitted a compliance filing pursuant to the July 28, 2023 Commission order requiring further revisions to the PJM Tariff to refine the definition of Emergency Action for purposes of determining Performance Assessment Intervals. PJM requested that the compliance filing be effective as of July 30, 2023.

On August 25, 2023, in Docket No. ER23-2612-002, PJM submitted an errata filing to correct a typographical error in the filing submitted on August 11, 2023, as amended on August 14, 2023. The typographical error being corrected is to Tariff, Schedule 12-Appendix A, section 2 with respect to the cost responsibility assignment for baseline upgrade b3780.4. PJM requested the revisions be effective as of November 9, 2023, as originally request.

On August 22, 2023, in Case Nos. 21-4072 and 22-3351 in the U.S. Court of Appeals for the Sixth Circuit, PJM filed an intervenor's brief advancing arguments that were previously filed in other dockets regarding the RTO participation incentive. The brief asserts that in denying and stripping the RTO participation incentive, the plain language of the Federal Power Act was overlooked and an inadequate explanation for the reversal of decades of policy was given.

On August 18, 2023, in Docket No. ER23-2654-000, PJM submitted for filing proposed revisions to the PJM Operating Agreement, Schedule 12, and the RAA, Schedule 17, to (i) add the new members, (ii) remove withdrawn members, (iii) reflect the signatories to the RAA, and (iv) reflect members' whose corporate names changed during the first and second quarters of 2023. PJM requested the revisions be effective as of June 30, 2023.

On August 18, 2023, in Docket No. ER23-2649-000, PJM submitted Tariff revisions regarding Critical Infrastructure Protection (CIP) Interconnection Reliability Operating Limit (IROL) Cost Recovery for Generators. PJM requested that the revisions become effective as of October 18, 2023.

On August 16, 2023, in Docket No. ER23-2637-000, PJM submitted a ministerial clean-up filing to ensure the Tariff correctly reflects the language in Tariff, Attachment Q that was accepted by FERC as of various effective dates.

On August 14, 2023, in Docket No. ER19-1958-003, PJM filed an informational report to inform the Commission of PJM's interconnection study performance pursuant to the Commission's Order No. 845, Order No. 845-A, and Order No. 845-B and PJM Tariff, Part IV, section 41.6. PJM is submitting this informational report to inform the Commission of PJM's interconnection study performance, and to describe the reasons for exceeding study deadlines and steps PJM is taking to prevent such delays in the future.

On August 14, 2023, in Docket No. ER23-2612-001, PJM submitted a correction to the proposed revisions to PJM Tariff, Schedule 12-Appendix A and Schedule 12-Appendix C, to incorporate cost responsibility assignments for 25 baseline upgrades in the recent update to the Regional Transmission Expansion Plan approved by the PJM Board of Managers on July 12, 2023, including the State Agreement Approach projects selected by the New Jersey Board of Public Utilities. PJM requested an effective date of November 9, 2023, which is 90 days after the date of this filing, to allow a 30 day comment period.