

MC Legal Report
Summary of Significant Filings, Legal Activity and
Federal Energy Regulatory Commission (Commission) and Court Orders
(August 10, 2024 – September 10, 2024)

ORDERS

On August 30, 2024, in Docket No. EL21-91-003 the Presiding Judge in the PJM Interconnection, L.L.C. Black Start CRF hearing proceedings issued an Order Denying Without Prejudice Motion to Waive the Initial Decision (Order) in response to the motion filed on August 14, 2024, to waive the initial decision in this proceeding.

On August 23, 2024, in Docket No. EL21-91-003, the Commission issued an order granting the motion to amend the procedural schedule and request to waive the answer period filed on August 21, 2024.

On August 22, 2024, in Docket No. ER24-2354-000, the Commission issued a letter order accepting PJM's ministerial clean-up filing to ensure that the eTariff records correctly reflect the language in the PJM Tariff, Attachment K-Appendix, section 3.2 and Operating Agreement, Schedule 1, section 3.2 that was accepted by the Commission in various dockets with various effective dates but displaced as a result of overlapping filings.

On August 22, 2024, in Docket No. ER24-2398-000, the Commission issued a letter order accepting PJM's clerical and ministerial revisions originating from the Governing Document Enhancement & Clarification Subcommittee to correct, clarify, and/or make consistent certain markets-related provisions of the PJM Tariff, Operating Agreement, and Reliability Assurance Agreement. PJM's revisions are effective August 28, 2024, as requested.

On August 22, 2024, in Docket No. ER24-2398-000, the Commission accepted PJM's non-substantive, clerical and ministerial revisions originating from the Governing Document Enhancement & Clarification Subcommittee (GDECS Filing) to correct, clarify, and/or make consistent certain Generation Interconnection Process-related provisions of the PJM Tariff, Operating Agreement, and Reliability Assurance Agreement. The effective date of the revisions is August 28, 2024

On August 16, 2024, in Docket Nos. EL24-12-000 and EL23-74-000, the Commission denied complaints from the Market Monitor and Eastern Kentucky Power Cooperative. In this order, the Commission found that the Non-Performance Charge rate and the associated stop-loss remains just and reasonable.

On August 16, 2024, in Docket No. ER24-1942-001, the Commission issued a letter order accepting the filing by PJM of a ministerial clean-up filing to ensure the Tariff correctly reflects the language in Tariff, Schedule 12-Appendix, Schedule 12-Appendix A and Schedule 12-Appx C that was accepted by FERC as of various effective dates.

On August 16, 2024, in Docket No. ER24-1942-000, the Commission issued a letter order accepting the filing by PJM of a ministerial clean-up filing to ensure the Tariff correctly reflects the language in Tariff, Schedule 12-Appendix, Schedule 12-Appendix A and Schedule 12-Appx C that was accepted by FERC as of various effective dates.

On August 15, 2024, in Docket No. EL21-91-003, the Presiding Judge in the PJM Interconnection, L.L.C. Black Start CRF hearing proceedings issued an Order Confirming Bench Ruling and Adopting Revised Procedural Schedule ("Order"). The Order confirms the new procedural deadlines the Presiding Judge set during the August 14, 2024 Prehearing Conference. A Proposed Final Joint Statement of Issues is due to be filed by Monday, September 16, 2024; workpapers related to filed testimony must be served on all participants by Wednesday, August 21, 2024; and for all rebuttal testimony, each participant should serve on all participants the workpapers related to their witnesses' testimony by Thursday, August 29, 2024 (the day after the due date for rebuttal testimony).

FILINGS

On September 9, 2024, in Docket Nos. EL22-80-000 and EL22-85-000, PJM submitted responses to Question 1 (and its subparts) provided in the Appendix to the Commission's July 25, 2024 Order in these proceedings, regarding in-progress RTEP projects that are subject to Designated Entity Agreements based on the findings of such order.

On September 6, 2024, in Docket Nos. ER24-2690-000, EL24-26-000 and ER22-2931-000, PJM filed an answer to the comments of the Leeward Renewable Energy, LLC, and Vesper Energy Development LLC (collectively, PJM Developers). PJM argued that its August 2, 2024 compliance filing resolves any question as to the party responsible to procure third-party land and land rights by tying those obligations to the Site Control Requirements for Generator Interconnection Requests. PJM further argued that the compliance filing fully responds to the Commission's directive in its December 20, 2023 order to explain the Tariff changes necessary to remedy the Commission's concerns, and no further revisions or clarifications are needed.

On September 6, 2024, in Docket No. ER24-2990-000, PJM submitted proposed revisions to PJM Tariff, Schedule 12-Appendix A, to incorporate cost responsibility assignments for baseline upgrades included in the recent update to the Regional Transmission Expansion Plan approved by the PJM Board of Managers on August 7, 2024. PJM requested an effective date of December 5, 2024, which is 90 days after the date of this filing, to allow a 30 day comment period.

On September 6, 2024, in Docket No. ER24-2995-000, PJM submitted a filing under section 205 of the Federal Power Act to enable energy efficiency to benefit loads through demand side reductions to the peak load forecast and savings from energy market charges. Through this filing, PJM proposes to sunset participation of Energy Efficiency Resources in the capacity market effective with the Base Residual Auction associated with the 2026/2027 Delivery Year. PJM requested an effective date of November 6, 2024 for this filing.

On September 5, 2024, in Docket No. EL24-128-000, PJM submitted an answer to the answer of CPower. In this answer, PJM maintains that the CPower complaint regarding PJM's guidance related to the participation Energy Efficiency Resources in the capacity market should be denied.

On September 4, 2024, in Docket Nos. ER24-2608-000 and ER24-2609-000, PJM submitted a Motion for Leave to Answer and Answer to the Protest of Central Transmission, LLC and American Municipal Power, Inc. to PJM's filing of non-conforming Designated Entity Agreements with Mid-Atlantic Interstate Transmission, LLC and Monongahela Power Co.

On September 3, 2024, in Docket No. ER24-2172-001, PJM submitted a response to the Commission's August 2, 2024 letter requesting additional information concerning the June 3, 2024 filing of an amended Interconnection Service Agreement by and among PJM, Susquehanna Nuclear, LLC, and PPL Electric Utilities Corporation, designated as Service Agreement No. 1442.

On August 30, 2024, in Docket Nos. ER24-2447-000, et al., PJM submitted a motion for leave to answer and answer in response to the second protest of American Municipal Power, Inc. in response to PJM's proposed revisions to the PJM RAA to better allocate Large Load Adjustments when determining the capacity obligations for Load Serving Entities within a zone/area.

On August 28, 2024, in Docket No. EL24-126-000, PJM filed a joint motion with the Independent Market Monitor of PJM (“Market Monitor”) requesting the Federal Energy Regulatory Commission (“Commission”) to hold the complaint proceeding in abeyance until November 20, 2024, to provide time for the Commission to consider the recent stakeholder-approved proposal that will remove the ability for Energy Efficiency Resources to participate in the Reliability Pricing Model beginning with the 2026/2027 Delivery Year. PJM and the Market Monitor also requested a shortened five day comment period so that the Commission can expedite an order granting this requested abeyance.

On August 28, 2024, in Docket No. ER24-2889-000, PJM submitted on behalf of Atlantic City Electric Company an application with the Federal Energy Regulatory Commission pursuant to Section 205 of the Federal Power Act to revise Attachment H-1 of the PJM Tariff to clarify treatment of co-located load.

On August 28, 2024, in Docket No. ER24-2889-000, PJM submitted on behalf of Baltimore Gas and Electric Company an application with the Federal Energy Regulatory Commission pursuant to Section 205 of the Federal Power Act to revise Attachment H-2 of the PJM Tariff to clarify treatment of co-located load.

On August 28, 2024, in Docket No. ER24-2893-000, PJM submitted on behalf of PECO Energy Company an application with the Federal Energy Regulatory Commission pursuant to Section 205 of the Federal Power Act to revise Attachment H-7 of the PJM Tariff to clarify treatment of co-located load.

On August 28, 2024, in Docket No. ER24-2891-000, PJM submitted on behalf of Delmarva Power & Light Company an application with the Federal Energy Regulatory Commission pursuant to Section 205 of the Federal Power Act to revise Attachment H-3 of the PJM Tariff to clarify treatment of co-located load.

On August 28, 2024, in Docket No. ER24-2894-000, PJM submitted on behalf of Potomac Electric Power Company an application with the Federal Energy Regulatory Commission pursuant to Section 205 of the Federal Power Act to revise Attachment H-9 of the PJM Tariff to clarify treatment of co-located load.

On August 28, 2024, in Docket No. ER24-2890-000, PJM submitted on behalf of Commonwealth Edison Company an application with the Federal Energy Regulatory Commission pursuant to Section 205 of the Federal Power Act to revise Attachment H-13 of the PJM Tariff to clarify treatment of co-located load.

On August 28, 2024, in Docket No. ER24-2905-000, PJM submitted a section 205 filing to propose changes to the schedule selection process for resources in the Day-ahead and Real-time energy markets to accommodate the Next Generation Markets project enhancements to the market clearing engine. PJM requested an 9998 effective date to allow time for the necessary software updates that will accommodate the proposed changes before they become effective.

On August 27, 2024, in Docket No. EL22-85-000, PJM submitted an informational filing stating that on August 26, 2024 PJM filed a compliance filing in ER24-2864-000 (Accession No. 20240826-5049) in accordance with the Commission’s July 25, 2024 order in Docket Nos. EL22-85-000, et al.

On August 27, 2024, in Docket No. EL21-91-003 (the Black Start Service CRF hearing proceedings), PJM together with Dynegy Marketing and Trade, LLC, Hazleton Generation LLC, J-POWER USA Development Co., Ltd., LS Power Development, LLC, and Vistra Corp. (“Movants”) filed a Motion for Leave to Answer and Answer (“Answer to Answer”) in response to the Answer of the Independent Market Monitor for PJM to the Joint Motion to Suspend Procedural Schedule filed on August 14, 2024, in this proceeding. In the Answer to Answer, the Movants demonstrate that granting the Joint Motion would serve administrative efficiency by suspending hearing procedures to evaluate the pending Offer of Settlement, instead of conducting hearing and settlement procedures simultaneously, and the IMM’s assertions to the contrary are without merit.

On August 27, 2024, in Docket No. ER24-2885-000, PJM submitted revisions to the Tariff and Operating Agreement to allow for the partial deployment of Synchronized Reserves. As part of this filing, PJM included ministerial clean-up revisions to reflect previously accepted amendments to Tariff, Attachment K-Appendix, section 3.2 and Operating Agreement, Schedule 1, section 3.2. PJM requested that the clean-up revisions become effective on August 6, 2024, as previously accepted, and that the new revisions become effective on December 1, 2024.

On August 26, 2024, in Docket No. AD24-9-000, PJM filed testimony of Donald Bielak, P.E., PJM's Director of Interconnection Planning, who will be participating as a panelist in the Federal Energy Regulatory Commission's September 11, 2024 staff-led workshop on Innovations and Efficiencies in Generator Interconnection.

On August 26, 2024, in Docket No. ER24-2401-000, PJM filed an answer to the August 15, 2024 answer filed by Glidepath Ventures, LLC (Glidepath) and Astor I, LLC in response to PJM's earlier pleading. This proceeding arises from PJM's June 28, 2024 filing to cancel the Interconnection Service Agreement (ISA) entered into among PJM, Glidepath, and Mid-Atlantic Interstate Transmission, LLC. PJM continues to assert that despite the claims raised in the protest, the cancellation is proper because Glidepath failed to satisfy the milestones under the ISA, and the cancellation should be accepted as filed.

On August 26, 2024, in Docket No. ER24-2864-000, PJM, in compliance with the Commission's July 25, 2024 Order in Docket Nos. EL22-80 and EL22-85, filed revisions to the Operating Agreement, Schedule 6, section 1.5.8 and the pro forma Designated Entity Agreement.

On August 23, 2024, in Docket No. ER24-2698-000, PJM filed a protest in response to the August 2, 2024 Waiver Request filed by Big Shoulders Storage, LLC (BSS), seeking waiver of Tariff, Part VII, Subpart D, section 309(A)(1)(h) to allow for additional time outside of the prescribed period to address deficiencies related to its PJM Project #AG1-535 New Service Request. In the protest, PJM stated BSS was improperly seeking retroactive relief and had not satisfied the Commission's requirements for granting Tariff waivers or demonstrated that its Waiver Request should be granted, and that the Commission therefore should deny its request. PJM filed both public and non-public versions of protest and has posted the public version.

On August 21, 2024, in Docket No. ER23-1784-002, PJM, in compliance with the Commission's October 26, 2023 Order on Compliance and Request for Waivers, filed to amend the PJM Tariff, section 4.2 to incorporate by reference the North American Energy Standards Board (NAESB) Wholesale Electric Quadrant (WEQ) Business Practice Standards related to the cryptographic security module that were not already incorporated by reference in PJM's May 1, 2023 compliance filing in Docket No. ER23-1784-000.

On August 16, 2024, in Docket Nos. EL24-119-000, ER24-2336-000 and ER24-2338-000 (not consolidated), PJM submitted a motion for leave to answer and answer to protests regarding PJM's Section 206 and Section 205 filings to revise the Operating Agreement and Tariff, and the PJM Transmission Owners FPA Section 205 filing to amend the Consolidated Transmission Owners Agreement, to provide PJM with FPA Section 205 filing rights over regional planning.

On August 16, 2024, in Docket No. ER24-2447-000, PJM submitted a motion for leave to answer and answer in response to the protest of American Municipal Power, Inc. in response to PJM's proposed revisions to the PJM RAA to better allocate Large Load Adjustments when determining the capacity obligations for Load Serving Entities within a zone/area.

On August 15, 2024, in Docket No. EL24-131-000, PJM filed an unopposed motion for extension of time to answer the August 6, 2024 Complaint filed by Millheim Solar I, LLC. PJM requested a ten day extension of time to answer the Complaint, and further requested that the Commission waive the answer period for the motion and grant the requested extension no later than August 20, 2024.

On August 14, 2024, in Docket No. EL21-91-003 (the Black Start Service CRF hearing proceedings), concurrent with the filing of a Settlement that resolves pending proceedings relating to whether the CRF rates for Black Start Units selected prior to June 6, 2021 remain just and reasonable in light of the reduction in the federal corporate tax rate from the Tax Cuts and Jobs Act of 2017, PJM submitted a joint motion for waiver of the initial decision and, to the extent necessary, a joint motion to extend or toll the Rule 710(d) time periods.

On August 14, 2024, in Docket No. EL21-91-003 (the Black Start Service CRF hearing proceedings), concurrent with the filing of a Settlement that resolves pending proceedings relating to whether the CRF rates for Black Start Units selected prior to June 6, 2021 remain just and reasonable in light of the reduction in the federal corporate tax rate from the Tax Cuts and Jobs Act of 2017, PJM submitted a joint motion to suspend the procedural schedule for the period of time while the Settlement is pending review by the Presiding Judge and/or the Commission.

On August 14, 2024, in Docket Nos. ER22-2110-000 and ER22-2110-001, PJM filed an informational report pursuant to the Commission's November 29, 2022 order accepting PJM's comprehensive reforms to its generation interconnection process involving the transition from a "first-come, first-served" serial approach to a "first-ready, first-served" Cycle approach. Consistent with the November 29, 2022 order, PJM is submitting this informational report to inform the Commission on the processing of New Service Requests under PJM's Transition Period Rules.

On August 14, 2024, in Docket Nos. ER21-1635-009 and EL21-91-003 (the Black Start Service CRF hearing proceedings), PJM submitted on behalf of itself and others a Settlement with the Commission that resolves pending proceedings relating to whether the CRF rates for Black Start Units selected prior to June 6, 2021 remain just and reasonable in light of the reduction in the federal corporate tax rate from the Tax Cuts and Jobs Act of 2017.

On August 13, 2024, in Docket No. EL24-132-000, CL-Shiloh LLC (CL-Shiloh) filed a complaint against PJM challenging PJM's termination of queue position AF2-121 due to CL-Shiloh's failure to meet the requirements of Tariff, Part VII, Subpart D, section 309(A)(1)(e). Queue Position AF2-121 is a planned 18 MW utility-scale solar project located in Clearfield County, Pennsylvania. PJM's response to CL-Shiloh complaint is due September 3, 2024.

On August 12, 2024, in Docket No. ER24-2045-000, PJM filed a motion for leave to answer and answer to the July 26, 2024 motion for leave to reply and reply comments of EDF Renewables, Inc. (EDFR). PJM argued that EDFR's requests are without merit, and none could be implemented without adversely impacting PJM's ability to achieve the objectives of its interconnection process reforms.

On August 12, 2024, in Docket No. ER24-1268-002, PJM submitted on behalf of The Dayton Power and Light Company d/b/a AES Ohio a Compliance Filing in response to the July 12th Order in the same docket. AES Ohio is requesting that the revisions to Attachment H-15A be effective as of April 17, 2024.