

**Dominion, PSEG, Orsted Proposed Revisions to PJM Interconnection Process Reform  
Proposed Tariff Language  
For Review at March 23, 2022 MRC Meeting**

**Tariff, Part VIII, Subpart A.1  
Definitions**

**Site:**

“Site” shall mean all of the real property, bodies of water and/or submerged land, including but not limited to, any owned or leased real property, bodies of water, and/or submerged land, and easements, licenses, permits or like rights for use of real property, bodies of water, or submerged land, on which the Generating Facility is situated and/or on which the Project Developer Interconnection Facilities are to be located.

**Site Control:**

“Site Control” shall mean the evidentiary documentation provided by Project Developer in relation to a New Service Request demonstrating the requirements as set forth in the following Tariff, Part VII, Subpart A.3 [site control requirements], and Tariff, Part VII, Part VII, Application Phase, Decision Point I and Decision Point III sections. With respect to Project Developers building on land, bodies of water or submerged land owned or controlled by state and/or federal governmental entities and subject to state and/or federal permitting requirements, proof of an active application pending with the applicable state and/or federal agency, along with documentation confirming that the Project Developer possesses an executed commercial lease, license, permit, easement or like rights for renewable energy, energy storage or other development issued by the applicable state and/or federal agency, is sufficient to satisfy site control requirements as the Project Developer has the right to one or more project easements, permits or like rights without further competition, for the purpose of installing gathering, transmission, and distribution cables, pipelines, and appurtenances on land, bodies of water or submerged land owned or controlled by state and/or federal governmental entities, as necessary for the full enjoyment of the lease, license or other property rights.

**Site Control:**

“Site Control” shall mean the evidentiary documentation provided by Project Developer in relation to a New Service Request demonstrating the requirements as set forth in the following Tariff, Part VIII, Subpart A.3 [site control requirements], and Tariff, Part VIII, Part VIII, Application Phase, Decision Point I and Decision Point III sections. With respect to Project Developers building on land, bodies of water or submerged land owned or controlled by state and/or federal governmental entities and subject to state and/or federal permitting requirements, proof of an active application pending with the applicable state and/or federal agency, along with documentation confirming that the Project Developer possesses an executed commercial lease, license, permit, easement or like rights for renewable energy, energy storage or other development issued by the applicable state and/or federal agency, is sufficient to satisfy site control requirements as the Project Developer has the right to one or more project easements, permits or like rights without further competition, for the purpose of installing gathering, transmission, and distribution cables, pipelines, and appurtenances on land, bodies of water or submerged land owned or

controlled by state and/or federal governmental entities, as necessary for the full enjoyment of the lease, license or other property rights.

### **Tariff, Part VII, Subpart A.3 Site Control**

#### Site Control Evidentiary Requirements

Site Control is evidence provided by the Project Developer to Transmission Provider in relation to Project Developer's New Service Request demonstrating Project Developer's interest in, ~~and~~ control over and/or right to utilize one or more parcels of land, bodies of water, and/or submerged land, for the purpose of constructing a Generating Facility, Merchant Transmission Facilities, Interconnection Facilities, and, if applicable, the Transmission Owner's Interconnection Facilities and/or Network Upgrades at the Point of Interconnection. Specific Site Control phase requirements are set forth in the following Tariff, Part VII, Application Phase, Decision Point I and Decision Point III sections.

- a. Site Control consistent with the requirements herein is required for a project to have a valid position within a Cycle.
- b. Proof of Site Control can be in the form of one of the following: (1) deed; (2) lease, license, permit, easement or like rights; (3) option to lease or purchase; or (4) as deemed acceptable by the Transmission Provider, any other contractual or legal right to possess, occupy, ~~and~~ control, or utilize one or more parcels of land, bodies of water, and/or submerged land.
  - i. Memorandums are not acceptable. [What types of memoranda does this include? MOAs? MOUs? Some other type? The reference is ambiguous and arbitrary – and a MOU or MOA may be deemed to be a contract or at least be legally binding under state law in certain circumstances.]
  - ii. Documentation solely evidencing an intent to purchase or control land is not acceptable. [How is this different from Memorandums?]
  - iii. Rights of Way are only acceptable for Project Developer Interconnection Facilities up to the Point of Interconnection. [Rights-of-Way are almost universally obtained by easement, so why is this limitation here when an easement is included in the definition of Site? Further, in the offshore wind context, there may need to be additional interconnection facilities beyond the POI - this would suggest that to the extent any Site Control is needed beyond the POI to get to the existing grid, something other than ROW via easement is needed - e.g., owned in fee. Need some clarification from PJM on this.]

- iv. For one or more parcels of land, bodies of water, and or submerged land owned or controlled by state or federal entities, PJM will consider contracting structures such as leases, licenses, permits, easements or like rights to be deemed adequate evidence of site control.
- c. Demonstration of Site Control must include verification, to PJM's satisfaction, that the total acreage of land, bodies of water, and submerged land is fully sufficient for the resource-specific technology and MWs requested for a proposed Generating Facility or Merchant Transmission Facility, as set forth in the PJM Manuals.
- i. The Project Developer must submit a Geographic Information System (GIS) Site Plan map and data files acceptable to PJM demonstrating the arrangement of the resource-specific proposed facilities for the amount of MW requested.
  - ii. Any GIS Site Plan map and data files submitted in accordance with this section must be consistent with all other modeling data submitted in connection with Project Developer's New Service Request.
  - iii. In the event of a disagreement between the Transmission Provider and the Project Developer over whether the total acreage of land, bodies of water, and/or submerged land is fully sufficient for the resource-specific technology and MWs requested for a proposed Generating Facility, Merchant Transmission Facility, Transmission Provider will accept a Professional Engineer (PE) stamped site plan drawing (licensed in the state of the facility location) that depicts the proposed generation arrangement and specifies ~~s~~ the Maximum Facility Output for that arrangement.
    - a. Failure to verify to Transmission Provider's satisfaction that the total acreage of land, bodies of water, and/or submerged land is fully sufficient for the resource-specific technology and MWs requested for a proposed Generating Facility or Merchant Transmission Facility shall result in the New Service Request being deemed terminated and withdrawn.
- d. Site Control must be in the name of the Project Developer identified on the corresponding New Service Request. Otherwise, the Project Developer must demonstrate to PJM's satisfaction the relationship between the ~~owner~~ entity owning or controlling the land, bodies of water and submerged land with Site Control and the Project Developer identified on the New Service Request.

- e. Project Developers are prohibited from submitting evidence of Site Control that utilizes the same land, bodies of water, and/or submerged land for multiple New Service Requests unless the total acreage amount of such land, bodies of water, and/or submerged land is adequate to support all such New Service Requests.
  - i. To the extent that multiple New Service Requests are submitted by a Project Developer using the same Site Control evidence and the total acreage amount of such land, bodies of water, and/or submerged land is not adequate to support all such New Service Requests, all such New Service Requests shall be deemed terminated and withdrawn.
  - ii. To the extent that a Project Developer submits a New Service Request with Site Control evidence utilizing land, bodies of water, and/or submerged land that is also the subject of Site Control in New Service Requests submitted by other Project Developer's, such Project Developer shall include with its New Service Request evidence, to Transmission Provider's satisfaction, demonstrating that the project referenced in the Project Developer's New Service Request is concurrently feasible with the development of any other projects that will share the land, bodies of water, and/or submerged land identified in the Site Control. Such proof of concurrent feasibility shall include:
    - 1. Identification of any other New Service Requests that will share all or a portion of the land, bodies of water, and/or submerged land identified in the Site Control; and
    - 2. Identification of the proposed location and space utilization of all projects that will share the land, bodies of water, or submerged land including acreage and boundaries for all projects sharing the land, bodies of water, and/or submerged land identified in the Site Control; and
    - 3. Any related technical information required by the Transmission Provider to enable the Transmission Provider to determine that development of the project referenced in the submitted New Service Request is not inconsistent with development of any of the other New Service Requests that will share all or a portion of the same land, bodies of water, and/or submerged land.
- f. Multiple projects may share Project Developer Interconnection Facilities. A shared facilities agreement is required if jointly owned common Interconnection Facilities are proposed.
- g. Project Developers are prohibited from submitting evidence of Site

Control for land, bodies of water, and/or submerged land which is also the subject of an interconnect request submitted in an adjacent Regional Transmission Organization, Independent System Operator, or other system. To the extent that Project Developers submit evidence of Site Control for land, bodies of water, and/or submerged land which is also the subject of an interconnection request submitted in an adjacent Regional Transmission Organization, Independent System Operator, or other system, the relevant New Service Request submitted to Transmission Provider shall be deemed terminated and withdrawn.

- h. Site Control must demonstrate three key elements: conveyance, term, and exclusivity:
  - i. Term

Term is the minimum duration required to evidence Site Control. The Term requirements vary, and are established in the following Tariff, Part VII rules, at various points within a Cycle. The Term cannot be satisfied by an agreement with an initial term shorter than the requisite required term that has extensions, including unilateral extensions, unless those extensions have been exercised and any requisite conditions fulfilled, including any payment obligations, by the Project Developer at the time evidence of Site Control is provided to the Transmission Provider.

- ii. Exclusivity

With the exception of Tariff, Part VII, subpart A.3, section C.A.(e) Can't find any such section in the proposed revisions PJM provided., exclusivity is evidenced by written acknowledgement from the entity owning or controlling the land, bodies of water, and/or submerged landowner, as applicable, as part of the Site Control that, for the Term, the entity owning or controlling the land, bodies of water, and/or submerged landowner cannot make the Site Control identified land, bodies of water, and/or submerged land available for purchase, ~~or~~ lease, license, permit, easement or like right to any ~~other~~ person or entity other than the Project Developer for any purpose or use that will interfere with the rights granted to Project Developer.

- iii. Conveyance

The Site Control evidence submitted by the Project Developer must demonstrate that the subject land, bodies of water, and/or submerged land is or will be conveyed to the Project Developer, e.g., through a deed, lease, license, permit, easement or like rights, or an option to purchase, ~~or~~ lease, license, permit, take easement or like rights, and that the Project Developer has applied for or is diligently pursuing any necessary state or

federal permits or easements, or that the Project Developer is guaranteed a right to future conveyance at Project Developer's sole discretion, e.g., through a deed, lease, license, permit, take easement or like rights, or an option to purchase, ~~or lease,~~ permit, take easement or like rights, and that the Project Developer has applied for or is diligently pursuing any necessary state or federal permits or easements.

- i. At each point within a Cycle where a Project Developer is required to provide Site Control, the Project Developer shall also provide Site Control certification in a form set forth in PJM Manual\_\_\_\_\_, executed by an officer or authorized representative of Project Developer, verifying that the Ssite Ceontrol requirements are met.
  - i. At PJM's request, Project Developer shall provide copies of attestations of the entity owning or controlling landowner attestations, bodies of water, and/or submerged land, or county recordings, or other similar documentation to validate such Site Control certifications.

**Tariff, Part VIII, Subpart A.3**  
**Applications for Cycle Process**  
**Site Control**

Site -Control -Evidentiary Requirements

- B. Site Control is evidence provided by the Project Developer to Transmission Provider in relation to Project Developer's New Service Request demonstrating Project Developer's interest in, ~~and~~ control over, and/or right to utilize one or more parcels of land, bodies of water, and/or submerged land, for the purpose of constructing a Generating Facility, Merchant Transmission Facilities, Interconnection Facilities, and, if applicable, the Transmission Owner's Interconnection Facilities and/or Network Upgrades at the Point of Interconnection. Specific Site Control phase requirements are set forth in the following Tariff, Part VIII, Application Phase, Decision Point I and Decision Point III sections.
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    - i. Memorandums are not acceptable. [What types of memoranda does this include? MOAs? MOUs? Some other type? The reference is ambiguous and arbitrary – and a MOU or MOA may be deemed to be a contract or at least be legally binding under state law in certain circumstances.]
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    - ii. Any GIS Site Plan map and data files submitted in accordance with this section must be consistent with all other modeling data submitted in connection with Project Developer's New Service Request.
    - iii. In the event of a disagreement between the Transmission Provider and the Project Developer over whether the total acreage of land, bodies of water, and/or submerged land, is fully sufficient for the resource-specific technology and MWs requested for a proposed Generating Facility-, Merchant Transmission Facility, Transmission Provider will accept a Professional Engineer (PE) stamped site plan drawing (licensed in the state of the facility location) that depicts the proposed generation arrangement and specifies ~~sd~~ the Maximum Facility Output for that arrangement.
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  - e. Project Developers are prohibited from submitting evidence of Site Control that utilizes the same land, bodies of water, and/or submerged land for multiple New Service Requests unless the total acreage amount of such land, bodies of water, and/or submerged land, is adequate to support all such New Service Requests.
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  - 1. Identification of any other New Service Requests that will share all or a portion of the land, bodies of water, or submerged land identified in the Site Control; and
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  - 3. Any related technical information required by the Transmission Provider to enable the Transmission Provider to determine that development of the project referenced in the submitted New Service Request is not inconsistent with development of any of the other New Service Requests that will share all or a portion of the same land, bodies of water, and/or submerged land.
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The Site Control evidence submitted by the Project Developer must demonstrate that the subject land, bodies of water, and/or submerged land is or will be conveyed to the Project Developer, e.g., through a deed, lease, license, permit, easement or like rights, or an option to purchase, ~~or~~ lease, license, permit, take easement or like rights, and that the Project Developer has applied for or is diligently pursuing any necessary state or federal permits or easements, or that the Project Developer is guaranteed a right to future conveyance at Project Developer's sole discretion, e.g., through a deed, lease, license, permit, easement or like rights, or an option to purchase, ~~or~~ lease, permit, take easement or like rights, and that the Project Developer has applied for or is diligently pursuing any necessary state or federal permits or easements.

o. At each point within a Cycle where a Project Developer is required to

provide Site Control, the Project Developer shall also provide Site Control certification in a form set forth in PJM Manual\_\_\_\_, executed by an officer or authorized representative of Project Developer, verifying that the ~~S~~site ~~C~~eontrol requirements are met.

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**NEED TO REVIEW ADDITIONAL SITE CONTROL PROVISIONS TO DETERMINE IF ANY ADDITIONAL REVISIONS ARE NEEDED**