

1.4.01 Associate Member.

“Associate Member” shall mean an entity that satisfies the requirements of Section 11.7 of this Agreement.

1.4A Authorized Commission.

“Authorized Commission” shall mean (i) a State public utility commission ~~within the geographic limits of the PJM Region~~ that regulates the distribution or supply of electricity to retail customers and is legally charged with monitoring the operation of wholesale or retail markets serving retail suppliers or customers within its State or (ii) an association or organization comprised exclusively of State public utility commissions described in the immediately preceding clause (i).

1.4B Authorized Person.

“Authorized Person” shall have the meaning set forth in Section 18.17.4.

1.5 Board Member.

“Board Member” shall mean a member of the PJM Board.

1.5A Applicable Regional Reliability Council.

“Applicable Regional Reliability Council” shall mean the reliability council for the region in which a Member operates.

1.5B Behind The Meter Generation.

“Behind The Meter Generation” refers to a generating unit that delivers energy to load without using the Transmission System or any distribution facilities (unless the entity that owns or leases the distribution facilities has consented to such use of the distribution facilities and such consent has been demonstrated to the satisfaction of the Office of the Interconnection); provided, however, that Behind The Meter Generation does not include (i) at any time, any portion of such generating unit’s capacity that is designated as a Generation Capacity Resource, or (ii) in any hour, any portion of the output of such generating unit[s] that is sold to another entity for consumption at another electrical location or into the PJM Interchange Energy Market.

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applying for membership; provided that nothing contained herein shall prohibit the Office of the Interconnection from providing any such confidential information to its agents, representatives, or contractors to the extent that such person or entity is bound by an obligation to maintain such confidentiality; provided further that nothing contained herein shall prohibit the Office of the Interconnection from providing Member confidential information to the North American Electric Reliability Council or any of its regional reliability councils, or to any reliability coordinator, to the extent that (i) the Office of the Interconnection determines in its reasonable discretion that the exchange of such information is required to enhance and/or maintain reliability within the Members' Applicable Regional Reliability Councils and their neighboring reliability councils, or within the region of any reliability coordinator, (ii) such entity is bound by a written agreement to maintain such confidentiality, and (iii) the Office of the Interconnection has notified the affected party of its intention to release such information no less than five business days prior to the release. The Office of the Interconnection and/or the PJM Market Monitor shall collect and use confidential information only in connection with its authority under this Agreement and the Open Access Transmission Tariff and the retention of such information shall be in accordance with PJM's data retention policies.

(c) Nothing contained herein shall prevent the Office of the Interconnection from releasing a Member's confidential data or information to a third party provided that the Member has delivered to the Office of the Interconnection and/or the PJM Market Monitor specific, written authorization for such release setting forth the data or information to be released, to whom such release is authorized, and the period of time for which such release shall be authorized. The Office of the Interconnection shall limit the release of a Member's confidential data or information to that specific authorization received from the Member. Nothing herein shall prohibit a Member from withdrawing such authorization upon written notice to the Office of the Interconnection, who shall cease such release as soon as practicable after receipt of such withdrawal notice.

(d) Reciprocal provisions to Sections 18.17.1, 18.17.2, 18.17.3, 18.17.4 and 18.17.5 hereof, delineating the confidentiality requirements of PJM's Market Monitoring Unit, are set forth in Attachment M – Appendix, section I.

(e) Notwithstanding anything to the contrary in this Agreement or in the PJM Tariff, to allow the tracking of Market Participants' non-aggregated bids and offers over time as required by FERC Order No. 719, the Office of the Interconnection shall post on its Web site the non-aggregated bid data and Offer Data submitted by Market Participants (for participation on the PJM Interchange Energy Market) approximately four months after the bid or offer was submitted to the Office of the Interconnection. However, to protect the confidential, market sensitive and/or proprietary bidding strategies of Market Participants as well as the identity of Market Participants from being discernible from the published data, the posted information will not reveal the (a) name of the resource, (b) characteristics of a specific resource, (c) identity of the load, (d) name of the individual or entity submitting the data, (e) identity of the resource owner, or (f) location of the resource at a level lower than its Zone. The Office of the Interconnection also reserves the right to take any other precautionary measures that it deems appropriate to preserve the confidential, market sensitive and/or proprietary bidding strategies of Market Participant to the extent not specifically set forth herein.

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18.17.2 Required Disclosure.

(a) Notwithstanding anything in the foregoing Section to the contrary, and subject to

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the provisions of Section 18.17.3, if a Member, the Office of the Interconnection is required by applicable law, or in the course of administrative or judicial proceedings, to disclose to third parties, information that is otherwise required to be maintained in confidence pursuant to this Agreement, that Member, the Office of the Interconnection may make disclosure of such information; provided, however, that as soon as the Member, the Office of the Interconnection learns of the disclosure requirement and prior to making disclosure, that Member, the Office of the Interconnection shall notify the affected Member or Members of the requirement and the terms thereof and the affected Member or Members may direct, at their sole discretion and cost, any challenge to or defense against the disclosure requirement. The disclosing Member, the Office of the Interconnection shall cooperate with such affected Members to the maximum extent practicable to minimize the disclosure of the information consistent with applicable law. Each Member, the Office of the Interconnection shall cooperate with the affected Members to obtain proprietary or confidential treatment of such information by the person to whom such information is disclosed prior to any such disclosure.

(b) Nothing in this Section 18.17 shall prohibit or otherwise limit the Office of the Interconnection's use of information covered herein if such information was: (i) previously

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Parameter Limited Schedule Matrix

Parameter	Minimum Down Time (Hrs)	Minimum Run Time (Hrs)	Maximum Daily Starts	Maximum Weekly Starts	Turn Down Ratio = Economic Maximum MW / Economic Minimum MW
Small Frame CT and Aero CT Units - Up to 29 MW ICAP	2.0 or Less	2.0 or Less	2 or More	14 or More	1.0 or More
Medium Frame CT and Aero CT Units - 30 MW to 65 MW ICAP	2.0 or Less	3.0 or Less	2 or More	14 or More	1.0 or More
Medium-Large Frame CT Units - 65 MW to 125 MW ICAP	3.0 or Less	5.0 or Less	2 or More	14 or More	1.0 or More
Large Frame CT Units - 135 MW to 180 MW ICAP	4.0 or Less	5.0 or Less	2 or More	14 or More	1.0 or More
Combined Cycle Units	4.0 or Less	6.0 or Less	2 or More	11 or More	1.5 or More
Petroleum and Natural Gas Steam Units - Pre-1985	7.0 or Less	8.0 or Less	1 or More	7 or More	3.0 or More
Petroleum and Natural Gas Steam Units - Post-1985	3.5 or Less	5.5 or Less	2 or More	11 or More	2.0 or More
Sub-Critical Coal Units	9.0 or Less	15.0 or Less	1 or More	5 or More	2.0 or More
Super-Critical Coal Units	84.0	24.0 or Less	1 or More	2 or ore	1.5 or More

(d) Upon receipt of proposed revised parameter limited schedule values from the Market Monitoring Unit, prepared in accordance with the procedures for periodic review included in section II.B.1 of Attachment M - Appendix, the Office of the Interconnection shall file to revise the parameter limited schedule matrix in section 6.6(c) above accordingly. In the event that the Office of the Interconnection disagrees with the values proposed for revising the matrix, the Office of the Interconnection shall file the values that it determines are appropriate.

(e) The Market Monitoring Unit shall calculate and provide generation resources unit-specific default values in accordance with section II.B of Attachment M - Appendix. Generation resources having the ability to operate on multiple fuels may submit a parameter limited schedule associated with each fuel type. In addition, a generation resource may obtain an exception from the unit-specific values for the period defined in section II.B of Attachment M - Appendix due to physical operational limitations that prevent the resource from meeting the minimum parameters by submitting a request to the Office of the Interconnection, which shall promptly provide a copy of said

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request to the Market Monitoring Unit. Pursuant to section II.B of Attachment M – Appendix, exception requests for period 1, which begins on April 1, must be received by the Market Monitoring Unit by no later than February 28, and exception requests for period 2, which begins on October 1, must be received by the Market Monitoring Unit by no later than August 31. To ensure that an exception request is received by the Market Monitoring Unit by the referenced deadline, the generation resource should submit the request to the Office of the Interconnection at least two business days prior thereto. Each generation resource must supply the required historical unit operating data in support of the exception request, and if the exception requested is based on new physical operational limits for the resource for which historical operating data is unavailable, the generation resource may also submit technical information about the physical operational limits for period exceptions of the resource to support the requested parameters. The Market Monitor shall evaluate such request in accordance with the process set forth in Section II.B of Attachment M - Appendix. A generation resource (i) must submit a parameter limited

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schedule value consistent with its agreement under such process, or, (ii) if it has not agreed with the Market Monitoring Unit on an appropriate parameter limited schedule value, may submit its own determination of an appropriate value to the Office of the Interconnection. Each exception request must indicate the expected duration of the requested exception including the termination date thereof. The proposed parameter limited schedule value submitted by the generation resource owner is subject to approval of the Office of the Interconnection pursuant to the requirements of the Tariff and the PJM Manuals. The Office of the Interconnection may engage the services of a consultant with technical expertise to evaluate the exception request. If the generation resource owner does not submit a complete exception request to the Office of the Interconnection and the resource does not clear in the Day-ahead Energy Market, the resource schedule shall be returned to its previous parameter limits.

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The Office of the Interconnection and Market Monitoring Unit will review the operations of the generation resource after each of the first three full years of operation to verify the requested parameters. PJM will not accept the exception thereafter if it is not supported by the operating data.

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(f) On a daily basis each generation resource may submit notification to the Office of the Interconnection of changed physical operational limitations at such generation resources that require a temporary exception to the otherwise applicable parameter limited schedule value. Each generation resource must supply the required operating data necessary to support the exception consistent with the requirements set forth in the PJM Manuals. Such exceptions may not continue past the next period (as described in section II.B of Attachment M - Appendix). Temporary exception requests shall be subject to acceptance by the Office of the Interconnection upon submission by a generation resource, and shall be subject to further subsequent review of the continuation of the exception by the Office of the Interconnection and the Market Monitoring Unit. Based on the further review and determination by the Office of the Interconnection and the Market Monitoring Unit, the generation resource may (i) continue to submit a parameter limited schedule value consistent with the Market Monitoring Unit's determination or, (ii) if dissatisfied with the Market Monitoring Unit's determination, continue to submit a parameter limited schedule value to the Office of Interconnection inconsistent with the Market Monitoring Unit's determination subject to acceptance by the Office of the Interconnection, with or without prior approval of the Commission. If the Office of the Interconnection denies an exception request, in whole or in part, the generation resource may contest the denial through the PJM Dispute Resolution Process set forth in this Agreement, in which case the generation resource shall continue to submit a parameter limited schedule value as determined during the exception process until the issue has been resolved. If physical conditions at the generation resource change, such that the exception is no longer required, the generation resource is required to so inform the Office of the Interconnection and the exception shall be terminated.

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If during the period that an exception agreed to by the Market Monitoring Unit applies (or is approved by the Commission), there is a material change to the facts relied upon by the Market Monitoring Unit to support such exception (or the Commission in support of its approval), the generation resource shall bring the change to the attention of the Market Monitoring Unit (or the Commission) for a determination as to whether the exception continues to be appropriate.

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1. DEFINITIONS.

- 1.1 Affected Member.** A Member of PJM which as a result of its participation in PJM's markets or its membership in PJM provided Confidential Information to PJM, which Confidential Information is requested by, or is disclosed to an Authorized Person under this Agreement.
- 1.2 Authorized Commission.** (i) A State (which shall include the District of Columbia) public utility commission ~~within the geographic limits of the PJM Region (as that term is defined in the Operating Agreement)~~ that regulates the distribution or supply of electricity to retail customers and is legally charged with monitoring the operation of wholesale or retail markets serving retail suppliers or customers within its State or (ii) an association or organization comprised exclusively of State public utility commissions described in the immediately preceding clause (i).
- 1.3 Authorized Person.** A person, including the undersigned, which has executed this Agreement and is authorized in writing by an Authorized Commission to receive and discuss Confidential Information. Authorized Persons may include attorneys representing an Authorized Commission or consultants and/or contractors directly employed or retained by an Authorized Commission, provided however that consultants or contractors may not initiate requests for Confidential Information from PJM or the PJM Market Monitor.
- 1.4 Confidential Information.** Any information that would be considered non-public or confidential under the Operating Agreement.
- 1.5 FERC.** The Federal Energy Regulatory Commission.
- 1.6 Information Request.** A written request, in accordance with the terms of this Agreement for disclosure of Confidential Information pursuant to Section 18.17.4 of the Operating Agreement.
- 1.7 Operating Agreement.** The Amended and Restated Operating Agreement of PJM Interconnection, L.L.C., as it may be further amended or restated from time to time.
- 1.8 PJM Market Monitor.** The Market Monitoring Unit established under Attachment M to the PJM Tariff.
- 1.9 PJM Tariff.** The PJM Open Access Transmission Tariff, as it may be amended from time to time.
- 1.10 Third Party Request.** Any request or demand by any entity upon an Authorized Person or an Authorized Commission for release or disclosure of Confidential Information. A Third Party Request shall include, but shall not be limited to, any subpoena, discovery request, or other request for Confidential Information made by any: (i) federal, state, or local governmental subdivision, department, official, agency or court, or (ii) arbitration panel, business, company, entity or individual.

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