

MC Legal Report
Summary of Significant Filings, Legal Activity and
Federal Energy Regulatory Commission (Commission) and Court Orders
(November 11, 2024 – December 6, 2024)

ORDERS

On December 6, 2024, in Docket Nos. EL24-119-000, ER24-2336-000 and ER24-2338-000 (not consolidated), the Commission issued an order denying proposed revisions to the Consolidated Transmission Owners Agreement, associated revisions to the PJM tariff, and an accompanying PJM FPA section 206 complaint, that would have provided PJM with FPA Section 205 filing rights over regional planning.

On December 6, 2024, in Docket No. EL25-20-000, the Commission issued a notice denying PJM's motion requesting an extension of time to submit an answer to the complaint filed by Constellation Energy Generation, LLC. The deadline for filing an answer to the complaint remains December 12, 2024.

On December 4, 2024, in Docket No. ER24-2990-000, the Commission issued an order accepting PJM's 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's Tariff revisions become effective date as of December 5, 2024.

On December 2, 2024, in Docket No. ER25-19-000, the Commission issued an Order accepting the request for abandoned plant Incentive submitted by FirstEnergy and Potomac Edison amending Tariff, Attachment H-11A. The Tariff revisions become effective as of December 3, 2024.

On November 26, 2024, in Docket No. EL24-128-000, the Commission issued a letter order granting the joint motion by PJM and Enerwise Global Technologies, LLC to dismiss the Complaint, accepting the stipulated satisfaction and withdrawal agreement, and terminating the proceeding.

On November 26, 2024, in Docket No. ER25-332-000, the Commission issued a letter order accepting PJM's ministerial clean-up filing to ensure that the Tariff and Operating Agreement correctly reflect language previously accepted by the Commission that would otherwise be overlapped as a result of PJM's informational filing in Docket No. ER23-2484-000. The revisions become effective as of December 1, 2024.

On November 26, 2024, in Docket No. ER24-3135-000, the Commission issued an order accepting subject to condition PJM's proposed revisions for automating bid duration for economic load response participants in PJM's Energy Markets. The Commission directed PJM to submit a compliance filing by January 27, 2025, and directed PJM to file an informational filing providing the Commission notice of the implementation date no less than 30 days before the proposed revisions become effective.

On November 22, 2024, in Docket No. ER21-1635-007, *et al.*, in the Black Start Service Capital Recovery Factor rate proceedings, the Chief Judge issued an order accepting PJM's compliance filing and granting the motion to implement settlement rates on an interim basis to be effective as of December 1, 2024.

On November 22, 2024, in Docket No. ER21-1635-011, the Chief Administrative Law Judge accepted an effective date amendment to the clean-up filing for PJM Tariff Schedule 6A to reflect the currently applicable Capital Recovery Factor rate for Black Start Units selected prior to June 6, 2021 in accordance with the Chief Administrative Law Judge's order authorizing interim settlement rates during the pendency of the proposed settlement in Docket No. EL21-91-003, with an effective date of June 1, 2024.

On November 22, 2024, in Docket No. ER21-1635-012, in the Black Start Service Capital Recovery Factor rate proceedings, the Chief Administrative Law Judge accepted PJM's Motion to Place Settlement Rates into Effect on an Interim Basis, Waiver of Answer Period, and Request for Expedited Treatment to place the settlement rates into effect on an interim basis as of December 1, 2024.

On November 22, 2024, in Docket No. ER24-3121-000, PJM submitted revisions to the Tariff and Operating Agreement to allow for hourly notification time for clearing Non-Synchronized Reserves and 30-minute reserves in the Day-ahead Energy Market and Real-time Energy Market. PJM's revisions become effective as of November 26, 2024.

On November 19, 2024, in Docket No. ER25-51-000, the Commission issued an order accepting PJM's filing of revisions to the Schedule of Parties Adopting Local Transmission Loading Relief Procedures. The updates are effective as of December 16, 2024.

On November 12, 2024, in Docket No. ER21-1635-012 in the Black Start Service Capital Recovery Factor rate proceedings, the Chief Judge issued an order shortening the answer period to conclude on November 18, 2024 for PJM's Unopposed Motion for Interim Rate Authority, Waiver of Answer Period, and Expedited Treatment.

FILINGS

On December 6, 2024, in Docket No. EC24-125-000, PJM submitted a Motion to Intervene Out-of-Time, Motion for Leave to Protest Out-of-Time, Motion for Leave to File Comments Out-of-Time, and Comments, in light of potential market power concerns relating to the protested Section 203 petition in this docket. Monitoring Analytics, LLC, acting in its capacity as the Independent Market Monitor for PJM, joins in PJM's request for additional time to conduct any necessary market power analysis.

On December 6, 2024, in Docket No. ER22-962-007, PJM submitted an answer to a limited protest on PJM's filing in compliance with the Commission's July 25, 2024 order in PJM's Order No. 2222 compliance proceeding related to the participation of Distributed Energy Resource (DER) aggregations in PJM markets.

On December 4, 2024, in Docket No. ER25-455-000, PJM filed a supplement to a notice of cancellation, filed on November 15, 2024 in the same docket, of an Interconnection Service Agreement (ISA), designated as Service Agreement No. 6239 and associated with PJM Queue No. AE2-343, entered into among PJM, Welcome Solar III, LLC (Welcome Solar III), and American Transmission Systems, Inc. PJM submitted this supplement to update the Commission as to (1) Welcome Solar's satisfaction of section 6.3 of the Welcome Solar ISA; and (2) Welcome Solar's provision of certified engineering drawings pursuant to section 6.1 of the Welcome Solar ISA. PJM requested the ISA be cancelled effective January 15, 2025.

On December 4, 2024, in Docket No. ER25-454-000, PJM filed a supplement to a notice of cancellation, filed on November 15, 2024 in the same docket, of an Interconnection Service Agreement (ISA), designated as Service Agreement No. 6454 and associated with PJM Queue No. AE1-237, entered into among PJM, Welcome Solar II, LLC (Welcome Solar II), and American Transmission Systems, Inc. PJM submitted this supplement to update the Commission as to (1) Welcome Solar's satisfaction of section 6.1 of the Welcome Solar ISA; and (2) Welcome Solar's provision of certified engineering drawings pursuant to section 6.3 of the Welcome Solar ISA. PJM requested the ISA be cancelled effective January 15, 2025.

On December 4, 2024, in Docket No. ER25-453-000, PJM filed a supplement to a notice of cancellation, filed on November 15, 2024 in the same docket, of an Interconnection Service Agreement (ISA), designated as Service Agreement No. 6475 and associated with PJM Queue No. AE1-079, entered into among PJM, Welcome Solar, LLC (Welcome Solar), and American Transmission Systems, Inc. PJM submitted this supplement to update the

Commission as to (1) Welcome Solar's satisfaction of section 6.1 of the Welcome Solar ISA; and (2) Welcome Solar's provision of certified engineering drawings pursuant to section 6.3 of the Welcome Solar ISA. PJM requested the ISA be cancelled effective January 15, 2025.

On December 4, 2024, in Docket Nos. ER24-2045-000, -001, -002, PJM filed a Motion for Leave to Answer and Answer to the November 19, 2024 protests filed in response to PJM's data request response. PJM argued that FERC should reject the arguments in the protests and grant PJM an independent entity variation to allow it to file and implement its proposed compliance with Order Nos. 2023 and 2023-A.

On December 3, 2024, in Docket No. EL25-18-000, PJM submitted an answer in support of the motion filed by PJM Power Providers Group and the Electric Power Supply Association to dismiss the Joint Consumer Advocates' Complaint.

On December 2, 2024, in Docket No. EL25-22-000, PJM filed an unopposed motion for extension of time to answer American Clean Power Association, Solar Energy Industries Association, and Advanced Energy United's November 26, 2024 complaint. PJM requested a twenty-five day extension, to January 10, 2025, to answer the complaint and requested waiver of the answer period and expedited Commission action by December 10, 2024.

On December 2, 2024, in Docket Nos. ER19-2105-000 and ER19-2105-001, PJM submitted, consistent with PJM Open Access Transmission Tariff, Schedule 7, section 11(E), its 2025 Informational Filing together with the 2025 Border Yearly Charge (BYC) Workbook as part of the annual updating process for the BYC.

On December 2, 2024, in Docket No. EL25-18-000, PJM submitted a motion for leave to answer and answer in response to the Joint Consumer Advocates' answer in opposition to PJM's motion for extension of time to answer the complaint.

On November 27, 2024, in Docket Nos. EL21-91-003, ER21-1635-005, ER21-1635-009 and ER21-1635-010, a group of Indicated Parties (including PJM) filed an answer opposing the Independent Market Monitor's November 15, 2024 motion requesting reconsideration of the Presiding Administrative Law Judge's October 31, 2024 order certifying as uncontested the Settling Parties' August 14, 2024 settlement in the Black Start CRF proceeding.

On November 27, 2024, in Docket No. EL25-20-000, PJM submitted a Motion for Extension of Time, and Request for Expedited Action, and Non-Opposition to a Motion Answer Deadline of December 3 or December 4, 2024. The motion is requesting an extension to January 27, 2025 to answer the November 22, 2024 complaint of Constellation Energy Generation, LLC. PJM requests the Commission grant this motion on or before December 6, 2024, but would not oppose extending the answer deadline to December 3 or 4, 2024.

On November 27, 2024, in Docket No. ER25-583-000, PJM submitted a ministerial clean-up filing to ensure that the eTariff records correctly reflect the language in the PJM Tariff, Section 1, Definitions R - S that was accepted by the Commission in various dockets with various effective dates.

On November 26, 2024, in Docket No. EL24-124-000, PJM and Affirmed Energy filed a joint motion requesting to extend the current abeyance period until January 20, 2025.

On November 26, 2024, in Docket No. EL25-22-000, American Clean Power Association, Solar Energy Industries Association, and Advanced Energy United (collectively, Clean Energy Associations) (CEA) filed a complaint against PJM. CEA challenged the justness and reasonableness of PJM's interpretation and application of the Tariff's site control provisions. CEA requested a shortened comment period of 10 days, with comments due no later than December 6, 2024.

On November 26, 2024, in Docket No. ER25-612-000, PJM submitted a Request for Waiver of Operating Agreement, Schedule 6, Section 1.5.7(f), which requires PJM to review, on an annual basis, the of costs and benefits of constructing economic projects included in the RTEP. The filing requests that the Commission shorten the comment deadline to December 6, 2024 and issue an order granting the request by no later than December 20, 2024.

On November 22, 2024, in Docket No. ER25-514-000, PJM submitted on behalf of Baltimore Gas and Electric Company clean-up revisions to PJM Tariff, Parts I and II of Attachment H-2A to update its current tariff for accepted revisions from Docket Nos. ER21-214-003 and ER24-754-000. Baltimore Gas and Electric Company is requesting that these ministerial clean-up changes as set forth in proposed PJM Tariff, Parts I and II of Attachment H-2A, be effective as of the previously accepted effective dates.

On November 21, 2024, in Docket No. EL25-18-000, PJM submitted a motion for extension of time to answer the November 18, 2024 Complaint filed by Joint Consumer Advocates. PJM requested a forty-five day extension of time to January 23, 2025 to answer the Complaint, and further requested that the Commission expedite action on its motion and grant the requested extension no later than December 3, 2024.

On November 21, 2024, in Docket No. ER25-502-000, 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 members' whose corporate names changed, and (iv) add new signatories to the RAA during the third quarter of 2024. PJM requested the revisions be effective as of September 30, 2024.

On November 18, 2024, in Docket No. AD24-9-000, PJM filed comments pertaining to the September 2024 workshop regarding innovations and efficiencies in generator interconnection. These post-workshop comments are intended to provide the Commission with a further update on the status of PJM's generation interconnection process, as well as respond to several statements made by other parties in order to ensure a complete and accurate record.

On November 18, 2024, in Docket No. ER24-3076-000, PJM filed a Motion for Leave to Answer and Answer in response to Marengo Solar, LLC (Marengo Solar) and Cherry Valley Solar Project, LLC's (Cherry Valley Solar) November 8, 2024 Answer which was submitted in response to PJM's September 19, 2024 Notice of Cancellation of Wholesale Market Participation Agreement for PJM Queue No. AD1-016, among PJM, ComEd, and Marengo Solar (Marengo Solar WMPA). While the Answer attempted to show that the proposed cancellation of the Marengo Solar WMPA was not justified, the fact is that the two-party Interconnection Agreement (Interconnection Agreement) between the Wholesale Market Participant and Transmission Owner was terminated. Per the terms of the Marengo Solar WMPA, the Marengo Solar WMPA automatically terminates upon the termination of the Interconnection Agreement. Accordingly, PJM requested the Commission accept the Notice of Cancellation to be effective on November 19, 2024.

On November 18, 2024, in Docket No. ER24-3078-000, PJM filed a Motion for Leave to Answer and Answer in response to Marengo Solar, LLC (Marengo Solar) and Cherry Valley Solar Project, LLC's (Cherry Valley Solar) November 8, 2024 Answer which was submitted in response to PJM's September 19, 2024 Notice of Cancellation of Wholesale Market Participation Agreement for PJM Queue No. AD1-129, among PJM, ComEd, and Cherry Valley Solar (Cherry Valley Solar WMPA). While the Answer attempted to show that the proposed cancellation of the Cherry Valley Solar WMPA was not justified, the fact is that the two-party Interconnection Agreement (Interconnection Agreement) between the Wholesale Market Participant and Transmission Owner was terminated. Per the terms of the Cherry Valley Solar WMPA, the Cherry Valley Solar WMPA automatically terminates upon the termination of the Interconnection Agreement. Accordingly, PJM requested the Commission accept the Notice of Cancellation to be effective on November 19, 2024.

On November 18, 2024, in Docket No. EL25-18-000, the Illinois Attorney General's Office, Illinois Citizens Utility Board, Maryland Office of People's Counsel, New Jersey Division of Rate Counsel, Office of the Ohio Consumers' Counsel, and Office of the People's Counsel for the District of Columbia (Joint Consumer Advocates) submitted a complaint against PJM challenging the just and reasonableness of PJM's capacity market design of the Reliability Pricing Model and requesting the Commission to establish a refund effective date and just and reasonable replacement rates.

On November 15, 2024, in Docket No. ER25-455-000, PJM filed a notice of cancellation of an Interconnection Service Agreement (ISA), designated as Service Agreement No. 6239 and associated with PJM Queue No. AE2-343, entered into among PJM, Welcome Solar III, LLC (Welcome Solar III), and American Transmission Systems, Inc. PJM submitted this cancellation because Welcome Solar III did not meet the milestones for acquisition of major electrical equipment (section 6.2); substantial site work completed (section 6.3); or delivery of major electrical equipment (section 6.4). PJM requested the ISA be cancelled effective January 15, 2025.

On November 15, 2024, in Docket No. ER25-454-000, PJM filed a notice of cancellation of an Interconnection Service Agreement (ISA), designated as Service Agreement No. 6454 and associated with PJM Queue No. AE1-237, entered into among PJM, Welcome Solar II, LLC (Welcome Solar II), and American Transmission Systems, Inc. PJM submitted this cancellation because Welcome Solar II did not meet the milestones for acquisition of major electrical equipment (section 6.2); substantial site work completed (section 6.3); or delivery of major electrical equipment (section 6.4). PJM requested the ISA be cancelled effective January 15, 2025.

On November 15, 2024, in Docket No. ER25-453-000, PJM filed a notice of cancellation of an Interconnection Service Agreement (ISA), designated as Service Agreement No. 6475 and associated with PJM Queue No. AE1-079, entered into among PJM, Welcome Solar, LLC (Welcome Solar), and American Transmission Systems, Inc. PJM submitted this cancellation because Welcome Solar did not meet the milestones for acquisition of major electrical equipment (section 6.2); substantial site work completed (section 6.3); or delivery of major electrical equipment (section 6.4). PJM requested the ISA be cancelled effective January 15, 2025.

On November 15, 2024, in Docket Nos. EL24-119-000, ER24-2336-000 and ER24-2338-000, PJM submitted a motion for leave to answer and answer to the October 30, 2024 protests and comments filed in response to PJM's response to the Commission's notice of deficiency.

On November 13, 2024, in Docket No. ER25-194-000, PJM filed a protest in response to Vesper Energy Development LLC and Firefly Solar PA LLC's (collectively, "Firefly") October 23, 2024 Waiver Request. Firefly sought waiver of the Interconnection Construction Service Agreement, Appendix 3, section 3.4.2 among PJM, Firefly, and American Transmission Systems, Incorporated to allow Firefly to exit suspension after the applicable suspension period ended. PJM stated that the Commission should reject the Waiver Request on the basis that Firefly is seeking impermissible retroactive relief, and because the request fails to satisfy the Commission's waiver standards.

On November 12, 2024, in Docket No. ER22-2359-004, in further compliance with the Commission's May 18, 2023 Order on Compliance, PJM submitted a fifth Compliance Filing. This fifth Compliance Filing provides the required notification of the effective date for the Commission-approved Tariff revisions. In addition, provides the required timelines for submitting AARs and the rating set look-up tables that lead to AAR deviation.

On November 11, 2024, in Docket No. ER24-124-000, PJM submitted an Answer to the Complaint of Affirmed Energy LLC against PJM requesting that PJM return collateral being retained by PJM due to an unreasonable credit risk posed to PJM markets.