

**MC Legal Report
Summary of Significant Filings, Legal
Activity and
Federal Energy Regulatory Commission (Commission) and Court Orders
(December 9, 2024 – January 10, 2025)**

ORDERS

On January 8, 2025, in Docket No. ER23-1874-002, the Commission accepted PJM's November 6, 2023 compliance filing with revisions to the Tariff, Schedule 6A, to comply with the Commission's October 6, 2023 order regarding Fuel Assured Black Start Units. PJM's Tariff revisions become effective as of July 12, 2023.

On January 6, 2025, in Docket No. ER25-568-000, the Commission issued an order denying request for waiver of Tariff, Part IV, Subpart A, section 36.2A.4, filed by Matta Grid, LLC ("Matta Grid"). PJM had filed a protest to the initial waiver request on December 9, 2024.

On December 31, 2024, in Docket No. ER25-140-000, the Commission issued an order accepting PJM's submission on behalf of Atlantic City Electric Company modifications to PJM Tariff, Attachment H-1A to revise its formula rate to conform to accounting changed adopted in Order No. 898. The changes are effective as of January 1, 2025.

On December 31, 2024, in Docket No. ER25-141-000, the Commission issued an order accepting PJM's submission on behalf of Delmarva Power & Light Company modifications to PJM Tariff, Attachment H-3D to revise its formula rate to conform to accounting changes adopted in Order No. 898. The revisions become effective as of January 1, 2025.

On December 31, 2024, in Docket No. ER25-144-000, the Commission issued on order accepting PJM's submission on behalf of Potomac Electric Power Company modifications to PJM Tariff, Attachment H-9A to revise its formula rate to conform to accounting changed adopted in Order No. 898. The revisions become effective as of January 1, 2025.

On December 31, 2024, in Docket No. ER25-142-000, the Commission issued an order accepting PJM's submission on behalf of PECO Energy Company modifications to PJM Tariff, Attachment H-7A to revise its formula rate to conform to accounting changed adopted in Order No. 898. The revisions become effective as of January 1, 2025.

On December 31, 2024, in Docket No. EL24-125-000, the Commission granted PJM and EDP Renewables North America LLC's joint motion to hold the proceeding in continued abeyance until January 3, 2024.

On December 31, 2024, in Docket No. EL25-22-000, the Commission issued notice granting PJM's unopposed motion to hold the proceeding in abeyance for 31 days, until February 10, 2025.

On December 23, 2024, in Docket No. ER24-2172-002, the Commission issued a Notice of Denial of Rehearing by Operation of Law, regarding the Rehearing Request of the Commission's November 1, 2024 order.

On December 20, 2024, in Docket No. EL25-5-000, the Commission granted PJM's and Welcome Solar, LLC's, Welcome Solar II, LLC's, and Welcome Solar III, LLC's (Welcome Solar) joint motion to hold the proceeding in abeyance until February 7, 2025.

On December 19, 2024, in Docket No. EL24-104-001, the Commission issued an order addressing arguments raised on rehearing. In the order, the Commission sustained the Commission's July 9, 2024 order, which denied the complaint by the PJM Load Parties, who include American Municipal Power, Inc., Delaware Division of the Public Advocate, Delaware Energy Users Group, Delaware Municipal Electric Corporation, Delaware Public Service Commission, Maryland Office of People's Counsel, Maryland Public Service Commission, and Old Dominion Electric Cooperative, against PJM arguing that certain recalculated auction results for the 2024/2025 Base Residual Auction are unjust and unreasonable.

On December 19, 2024, in Docket No. EL24-18-000, the Commission issued an order denying the complaint by Urban Grid Solar Projects, LLC (Urban Grid).

On December 12, 2024, in Docket No. ER25-96-000, the Commission issued a letter order accepting PJM's proposed revisions to the Tariff definition of "Principal" for consistency with PJM's enhanced "Know Your Customer" process. PJM's revisions become effective as of December 15, 2024.

FILINGS

On January 10, 2025, in Docket No. ER21-204-004, PJM submitted on behalf of Commonwealth Edison Company clean-up revisions to PJM Tariff, H-13A to update its current tariff and previous superseded versions of the tariff for accepted revisions from dockets pending during the period of Order No. 864 compliance. Commonwealth Edison Company is requesting that these ministerial clean up changes be effective as of the effective dates previously established by the Commission in the applicable dockets.

On January 8, 2025, in Docket Nos. EL25-46-000, ER25-682-000 and ER25-785-000, PJM submitted an answer in opposition to the motion to consolidate of Governor Josh Shapiro and the Commonwealth of Pennsylvania.

On January 7, 2025, in Docket No. ER24-3006-000, Hummingbird Energy LLC filed a notice of withdrawal of its request for limited waiver of Tariff, Part VII, section 309(A)(1)(h) having worked with PJM to resolve the issues raised in the waiver request.

On January 2, 2025, in Docket No. ER25-612-000, PJM filed a motion for leave to answer and an update regarding the now-moot requested waiver which sought a deferral of the annual re-evaluation of the Transource IEC Project.

On December 30, 2024, in Docket No. EL24-125-000, PJM and EDP Renewables North America LLC submitted a joint motion to: (1) hold the Docket No. EL24-125 proceeding in abeyance until five business days after the Commission rules on a related filing submitted in PJM Interconnection, L.L.C., Docket No. ER25-778-000; and (2) grant expedited treatment of the motion.

On December 30, 2024, in Docket Nos. EL25-18-000, EL24-148-000, ER25-682-000, and ER25-785-000, PJM filed an answer that opposes the joint consumer advocates' motion to consolidate the aforementioned dockets and an extension of time to answer the 205 filing in Docket No. ER25-682-000.

On December 30, 2024, in Docket No. EL25-46-000, Governor Josh Shapiro and the Commonwealth of PA filed a complaint under section 206 of the FPA alleging that PJM's demand curve cap is unjust and unreasonable. The complaint seeks to lower the demand curve cap based on (a) the gross cost of new entry (CONE) for the reference resource or (2) 1.75 times net CONE for the reference resource to be 1.5 times net CONE of the reference resource in advance of the 2026/2027 Base Residual Auction.

On December 24, 2024, in Docket No. ER25-807-000, PJM filed a revised Market Monitoring Services Agreement as PJM Rate Schedule FERC No. 46. PJM is requesting that the Commission issue an order no later than February 24, 2025, and setting an effective date of January 1, 2026.

On December 23, 2024, in Docket Nos. ER22-1539-002 and ER23-2688-002, PJM submitted an informational filing in the Indian River 4 Reliability-Must-Run (RMR) proceeding, regarding formal notice of termination of RMR service.

On December 23, 2024, in Docket No. ER24-2447-003, PJM submitted an amendment to its October 21, 2024 compliance filing containing modifications to the PJM Reliability Assurance Agreement Among Load Serving Entities ("RAA"). This clerical amendment does not change the substance of the proposed revisions that were accepted by the Commission in the September 23 Order. PJM continues to request an effective date of August 31, 2024.

On December 20, 2024, in Docket No. RM21-17-000, PJM submitted a motion for extension of time to submit its long-term regional transmission planning filing in compliance with Order Nos. 1920 and 1920-A. PJM requested a six-month extension to

move the filing date from June 12, 2025, to December 12, 2025. PJM requested the Commission act on the motion by February 6, 2025.

On December 20, 2024, in Docket No. ER24-2995-001, PJM submitted a motion for leave to answer and answer to Affirmed Energy's request for rehearing of the Commission order accepting PJM's proposal to sunset the participation of Energy Efficiency Resources from PJM's Capacity Market.

On December 20, 2024, PJM submitted in Docket No. ER25-778-000 a filing to modify provisions of Tariff, Part VIII governing Surplus Interconnection Service, to facilitate the rapid expansion of existing and planned generating facilities on PJM's system through the expedited Surplus Interconnection Service process. PJM requested an effective date of March 7, 2025, for these Tariff revisions.

On December 20, 2024, in Docket No. ER25-783-000, PJM submitted to the Commission proposed revisions in Tariff Attachments DD and Q, expanding its ability to perform credit reviews in advance of bilateral capacity transactions. Specifically, the proposal covers auction-specific and locational UCAP bilateral transactions. This change ensures that sufficient credit is in place to support the financial exposures of both buyers and sellers before these transactions are finalized. PJM has requested that these tariff revisions become effective February 19, 2025.

On December 20, 2024, in Docket No. ER25-785-000, PJM submitted a section 205 filing that proposes to require all Existing Generation Capacity Resources to offer into the capacity auctions beginning with the 2026/2027 Delivery Year. As part of this filing, PJM also proposed enhancements to the Market Seller Offer Cap that would allow Capacity Market Sellers to (1) request segmented offer caps and (2) request resource-specific offer caps that are floored at the Capacity Performance Quantifiable Risk value. PJM requested an effective date of Feb. 21, 2025 for these changes.

On December 20, 2024, in Docket No. ER25-775-000, PJM submitted for filing revisions to PJM Tariff, Schedule 12 – Appendix, Schedule 12 – Appendix A, and Schedule 12 – Appendix C to update annual cost responsibility assignments for Regional Facilities, Necessary Lower Voltage Facilities, Lower Voltage Facilities, and State Agreement Public Policy Projects, consistent with PJM Tariff, Schedule 12. PJM requested the revisions be effective as of January 1, 2025.

On December 20, 2024, in Docket No. ER24-2888-001, PJM submitted on behalf of Atlantic City Electric Company its response to November 22, 2024 Deficiency Letter and revised tariff sheets with the Commission pursuant to Section 205 of the FPA to revise Attachment H-1 of the PJM Tariff to clarify treatment of co-located load. The requested effective date is February 24, 2025.

On December 20, 2024, in Docket No. ER24-2889-001, PJM submitted on behalf of Baltimore Gas and Electric Company its response to November 22, 2024 Deficiency

Letter and revised tariff sheets with the Commission pursuant to Section 205 of the FPA to revise Attachment H-2 of the PJM Tariff to clarify treatment of co-located load. The requested effective date is February 24, 2025.

On December 20, 2024, in Docket No. ER24-2890-001, PJM submitted on behalf of Commonwealth Edison Company its response to November 22, 2024 Deficiency Letter and revised tariff sheets with the Commission pursuant to Section 205 of the FPA to revise Attachment H-13 of the PJM Tariff to clarify treatment of co-located load. The requested effective date is February 24, 2025.

On December 20, 2024, in Docket No. ER24-2891-000, PJM submitted on behalf of Delmarva Power & Light Company its response to November 22, 2024 Deficiency Letter and revised tariff sheets with the Commission pursuant to Section 205 of the FPA to revise Attachment H-3 of the PJM Tariff to clarify treatment of co-located load. The requested effective date is February 24, 2025.

On December 20, 2024, in Docket No. ER24-2893-001, PJM submitted on behalf of PECO Energy Company its response to November 22, 2024 Deficiency Letter and revised tariff sheets with the Commission pursuant to Section 205 of the FPA to revise Attachment H-7 of the PJM Tariff to clarify treatment of co-located load. The requested effective date is February 24, 2025.

On December 20, 2024, in Docket No. ER24-2894-001, PJM submitted on behalf of Potomac Electric Power Company its response to November 22, 2024 Deficiency Letter and revised tariff sheets with the Commission pursuant to Section 205 of the FPA to revise Attachment H-9 of the PJM Tariff to clarify treatment of co-located load. The requested effective date is February 24, 2025.

On December 19, 2024, in Docket No. EL25-44-000, Complainants, composed of a coalition of large energy users and ratepayer advocates, filed a complaint against certain public utilities and major grid operators, including PJM (Respondents). Complainants allege that the Respondents' existing tariffs that allow for local planning of transmission facilities 100 kV and above are unjust and unreasonable. Complainants request that the Commission require: (i) all transmission providers must remove the ability to plan transmission facilities 100 kV and above from their local planning tariffs and (ii) that regional planning must be conducted by an independent transmission planner, which must meet specified criteria. Complainants request a refund effective date for the Complaint as of December 19, 2024.

On December 17, 2024, in Docket No. ER25-612-000, PJM submitted a motion for leave to answer and answer supporting a prospective waiver of the annual re-evaluation requirement for the Transource 9A project.

On December 16, 2024, in Docket No. ER24-2995-001, PJM submitted an Answer opposing Affirmed Energy's motion to stay of the Commission's order accepting PJM's proposal to revise rules related the Participation of Energy Efficiency Resources in PJM's Capacity Market.

On December 13, 2024, in Docket No. ER25-712-000, PJM submitted revisions to modify Tariff, Part VII to add provisions enabling a one-time reliability-based expansion of the eligibility criteria for PJM's interconnection process Transition Cycle #2. The Tariff revisions are intended to allow a very limited number of additional resources to participate in Transition Cycle #2 while still keeping Transition Cycle #2 on track for timely completion, and are the result of PJM's Reliability Resource Initiative. PJM requested an effective date of December 14, 2024, for these Tariff revisions.

On December 12, 2024, in Docket No. EL25-20, PJM filed an answer and motion to dismiss in response to the November 22, 2024 complaint of Constellation Energy Generation, LLC relating to what it terms "Fully Isolated Co-Located Load."

On December 11, 2024, in Docket No. ER25-688-000, PJM submitted on behalf of The Potomac Edison Company ("Potomac Edison") a request for authorization to recover specified costs incurred toward rebuilding the Potomac Edison-owned portion of the Doubs-Goose Creek 500 kV Transmission Line (the "Project"), prior to abandonment of the Project on December 11, 2023. Potomac Edison is requesting that the Commission issue an order authorizing recovery of those costs effective February 11, 2025.

On December 9, 2024, in Docket No. ER25-682-000, PJM submitted a section 205 filing that proposes various capacity market updates regarding the treatment of qualifying resources that are retained under a "reliability must run" agreement as capacity, retention of a dual-fuel fired combustion turbine plant as the reference resource, updates to the Non-Performance Charge based on the RTO net CONE, and the Base Residual Auction schedule. As part of this filing, PJM requested a one week extension of the comment period, until January 6, 2025, given the upcoming holidays. PJM requested an effective date of Feb. 18, 2025.