

**MC Legal Report
Summary of Significant Filings, Legal Activity
and
Federal Energy Regulatory Commission (Commission) and Court Orders
(April 10, 2025 – June 4, 2025)**

ORDERS

On June 2, 2025, in Docket Nos. ER22-2931-001, EL24-26-000 & ER24-2690-000 (consolidated) the Commission found that the pro forma GIA, section 23.3.3 and ICSA, section 5.3 are unjust and unreasonable. PJM is directed to file a compliance filing revising the pro forma ICSA and GIA consistent with the Commission's order. The changes required in the compliance filing apply prospectively as of the date of the order. The compliance filing is due on Wednesday, July 2, 2025.

On May 30, 2025, the Department of Energy issued an order pursuant to Federal Power Act section 202(c) finding that the operational availability and economic dispatch of Units 3 and 4 of the Eddystone Generating Station (Eddystone Units) is necessary to meet an emergency and serve the public interest. Among other directives, the order directs PJM and Constellation Energy to take all measures necessary to ensure that the Eddystone Units are available to operate. The order is effective May 30, 2025 through 5:03 PM EDT on August 28, 2025.

On May 30, 2025, in Docket No. ER25-2123-000, the Commission issued a deficiency notice in response to PJM's April 30, 2025 proposal to revise the fixed Black Start Service cost component of the base formula rate and capital cost recovery rate for NERC-CIP specific recovery to replace references to the Net Cost Of New Entry with an annually updated fixed rate which would allow PJM to maintain reliability and incentivize resources to provide Black Start Service. PJM's response to the deficiency letter is due June 30, 2025.

On May 27, 2025, in Docket No. ER25-1813-000, the Commission issued a letter order accepting PJM's revisions to the PJM Reliability Assurance Agreement Among Load Serving Entities to add two new ELCC Classes, (i.e., Oil Fired Combustion Turbine Class and Waste to Energy Steam Class) to be effective with the 2027/2028 Delivery Year. PJM's revisions become effective as of May 28, 2025.

On May 27, 2025, in Docket No. ER25-1809-000, the Commission issued an Order accepting PJM's submission on behalf of PECO Energy Company (PECO) the annual filing required by PECO's formula rate implementation protocols revising the depreciation and amortization rates set forth in PECO's transmission formula rate template (PJM Tariff, Attachment H-7A). The updates have an effective date of May 28, 2025.

On May 27, 2025, in Docket No. ER25-1811-000, the Commission issued an order accepting PJM's 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 February 26, 2025. PJM's revisions to incorporate cost responsibility assignments for baseline upgrades become effective as of June 26, 2025. In addition, PJM's ministerial clean-up revisions to correct two cost assignments included in its 2025 Cost Allocation Update Filing become effective as of May 28, 2025.

On May 23, 2025, in Docket No. ES25-37-000, the Commission issued an order accepting PJM's Application under section 204 of the Federal Power Act for an order authorizing the issuance of an

unsecured promissory note in an amount not to exceed \$250 million, pursuant to an existing revolving line of credit. PJM's request is effective as of May 30, 2025.

On May 16, 2025, in Docket No. ER25-1759-000, the Commission issued an Order accepting PJM's ministerial clean-up filing to ensure that The Procedure to Protect for Loss of Phase II Imports, previously designated as Rate Schedule 43, is redesignated as Rate Schedule 50. The effective date is January 16, 2007, as requested.

On May 8, 2025, in Docket No. ER25-1736-000, the Commission issued a letter order accepting a Designated Entity Agreement (DEA) between PJM and NextEra Energy Transmission MidAtlantic, Inc. (NEET MidAtlantic), designated as Service Agreement No. 7601. PJM submitted the DEA with non-conforming terms and conditions to accommodate the designation of construction responsibility of baseline upgrade projects b3800.102, b3800.106 to b3800.110, b3800.113, b3800.115, and b3800.117 to NEET MidAtlantic. The non-conforming terms and conditions relate solely to NEET MidAtlantic's cost containment provisions. SA No. 7601 becomes effective as of February 21, 2025.

On May 5, 2025, in Docket No. ER25-1525-000, FERC accepted PJM's section 205 proposal to revise certain definitions in its Reliability Assurance Agreement Among Load Serving Entities, effective with the 2027/2028 Delivery Year that extends the Demand Resource availability window to 24 hours a day throughout the year and revises the definition of Winter Peak Load used in calculating Demand Resources' Winter Nominated Value in PJM's effective load carrying capability methodology, effective May 6, 2025.

On May 2, 2025, in Docket No. ER25-1392-000, the Commission issued an Order accepting PJM's submission on behalf of East Kentucky Power Cooperative, Inc. (EKPC) revisions of its transmission formula rate (Attachment H-24A to the Tariff) to correct (i) the calculation of the regulatory expense included in EKPC's transmission cost of service, (ii) the calculation of the wages and salaries allocator in the formula, (iii) references to EKPC's prorated PJM transition expense that is no longer recovered, and (iv) several ministerial errors (e.g., internal line references). The revisions would go into effect with the start of EKPC's next rate year, which begins June 1, 2025, and will have a de minimis impact on the calculation of EKPC's annual transmission revenue requirement (ATRR).

On May 1, 2025, in Docket Nos. ER24-2447-002 and ER24-2447-003, the Commission issued a letter order accepting PJM's compliance filing, pursuant to the Commission's September 23, 2024 order, to remove "Large" from the term Large Load Adjustment. PJM's compliance revisions became effective as of August 31, 2024, as requested.

On May 1, 2025, in Docket No. ER22-962-007, the Commission issued an order approving all remaining aspects of PJM's compliance proposal related to Order No. 2222 (participation of DER Aggregators in PJM wholesale markets), and granting PJM's requested effective date of February 1, 2028 for the DER Aggregator Participation Model.

On April 29, 2025, in Docket No. ER25-682-001, the Commission issued a letter order accepting PJM's compliance filing pursuant to the Commission's February 14 order and to clarify that any proposed extension of the provision relating to counting RMR resources beyond the 2027/2028 delivery year would require Commission approval. PJM's compliance filing becomes effective as of February 18, 2025. Additionally, PJM included a ministerial-clean up in this filing as directed by the Commission in the February 14 order.

On April 28, 2025, in Docket No. ER25-785-001, the Commission issued a letter order accepting PJM's compliance filing, pursuant to the Commission's February 20 order, to clarify that each subsequent segmented offer cap segment must be greater than prior segments. PJM's compliance revisions became effective as of February 21, 2025.

On April 21, 2025, in Docket No. EL24-118-000, the Commission issued an Order dismissing the complaint filed by the Joint Consumer Advocates regarding the use of an addback to the load forecast for Energy Efficiency Resources that clear the capacity auctions.

On April 21, 2025, in Docket No. ER25-1357-000, the Commission issued an Order that accepts PJM's proposal to establish a temporary capacity market demand curve price cap and price floor for the 2026/2027 and 2027/2028 Delivery Years.

On April 17, 2025, in Docket No. ER25-612-000, the Commission issued an Order that denied as moot the 2024 9A annual re-evaluation waiver that PJM submitted on November 26, 2024.

On April 15, 2025, in Docket No. ER25-1501-000, the Commission issued an Order accepting PJM's proposed enhancements to Part V of its Open Access Transmission Tariff to update the generator deactivation process and compensation provisions for any resources that agree to remain online to address PJM-identified transmission reliability issues (the Deactivation Proposal). The filing is effective May 5, 2025.

FILINGS

On May 30, 2025, in Docket No. ER25-2399-000, PJM submitted a request for a prospective limited waiver of the requirements of the Operating Agreement, section 7.1 to allow the Nominating Committee additional time to consider prospective nominees to fill the two vacancies on the PJM Board of Managers and propose such nominees for consideration by Members at a future Members Committee meeting. PJM requested a shortened 10-day comment period and expedited Commission action by June 17, 2025.

On May 30, 2025, in New Jersey Board of Public Utilities Docket No. QO20100630, PJM submitted a request for a one-week extension of time from June 2nd to June 9th for PJM to respond to Jersey Central Power & Light Co.'s motion for declaratory guidance on the current project development schedule, or, alternatively, for modification of the current project schedule.

On May 29, 2025, in Docket No. EL25-87-000, the Independent Market Monitor for PJM filed a complaint against Affirmed Energy LLC, Enel X North America Inc. and Enerwise Global Technologies, LLC, who are providers of Energy Efficiency Resources. The complaint alleges that the sellers' post-installation measurement and verification reports for the 2025/2026 Delivery Year are inadequate and capacity payments should be withheld pending further review.

On May 29, 2025, in Docket No. ER22-962-008, PJM submitted re-dated eTariff records applicable to PJM's Order No. 2222 participation model, in order to memorialize in eTariff the effective date of February 1, 2028, accepted by the Commission in the May 1, 2025 Order in PJM's Order No. 2222 compliance proceeding.

On May 28, 2025, in Docket No. ER25-1544-000, PJM filed a letter requesting expedited Commission action on the pending offer of settlement resolving all issues underlying the complaint filed in Docket No. EL25-22-000. PJM requested that the Commission approve the settlement no later than June 11, 2025.

On May 28, 2025, in Docket No. ER24-2255-001, PJM submitted on behalf of NextEra Energy Transmission MidAtlantic, Inc. (NEET MidAtlantic) an Offer of Settlement and Settlement Agreement in Docket No. ER24-2255-000, NEET MidAtlantic requests that the Commission approve the Settlement effective August 12, 2024.

On May 27, 2025, in Docket No. EL25-72-000, PJM submitted a motion for leave to answer and limited answer in response to the May 14, 2025 answer of Theresa and Alfred T. Ghiorzi.

On May 23, 2025, in Docket No. EL25-2002-000, PJM submitted to the Commission a motion for leave to answer and answer in response to the Independent Market Monitor's May 9, 2025 comments protesting PJM's proposal to mitigate the impacts that final effective load carrying capability ("ELCC") and Accredited Unforced Capacity values may have on capacity commitments that were made based on earlier ELCC values that were utilized in prior Reliability Pricing Model Auctions for a given Delivery Year.

On May 21, 2025, in Docket No. EL25-44-000, PJM submitted to the Commission a motion for leave to answer and limited answer in response to intervenor American Municipal Power, Inc.'s April 24, 2025 answer to PJM and the PJM Transmission Owners' motions to dismiss the underlying complaint, which concerns local transmission planning processes in respondents' regions and a proposal to extend regional transmission planning to all FERC-jurisdictional facilities at 100 kV and above.

On May 20, 2025, in Docket No. AD25-7-000, PJM Interconnection, L.L.C. submitted the Prefiled Statement of Manu Asthana for the Resource Adequacy Technical Conference.

On May 20, 2025, in Docket No. AD25-7-000, PJM Interconnection, L.L.C. submitted the Prefiled Statement of Adam Keech for the Resource Adequacy Technical Conference.

On May 19, 2025, in Docket No. ER25-2038-001, PJM filed an amendment to its April 25, 2025 filing of PJM and Midcontinent Independent System Operator, Inc. (MISO) (together the RTOs), proposed revisions to the Joint Operating Agreement (JOA) between PJM and MISO. PJM filed the amendment to correct discrepancies and to reconcile PJM's and MISO's proposed revisions. MISO submitted a simultaneous filing, in Docket No. ER25-2040-001, correcting their discrepancies in its own version of the JOA. The RTOs asks for the effective date of June 25, 2025, as previously requested.

On May 16, 2025, in Docket No. ER25-2197-000, PJM submitted a motion to intervene and comments in support of the request for limited waiver of AES WR Limited Partnership.

On May 13, 2025, in Docket No. ER25-2190-000, PJM submitted a motion to intervene and comments in support of the request for limited waiver of Morgantown Power, LLC.

On May 13, 2025, in Docket No. ER25-2162-000, PJM submitted a motion to intervene and comments in support of the request for limited waiver of Sayreville Power, LLC.

On May 12, 2025, in Docket No. EL25-72-000, PJM submitted a motion to lodge the May 8, 2025 Commission order issued in Docket No. ER25-1736-000, which accepted the Designated Entity Agreement (DEA) between PJM and NextEra Energy Transmission MidAtlantic, Inc. (NEET MidAtlantic), effective Feb. 21, 2025, for the MidAtlantic Reliability Link Project.

On May 12, 2025, in Docket No. ER25-1811-000, PJM submitted a motion for leave to answer and answer to the comments of the Maryland Office of People's Counsel regarding PJM's March filing in which PJM submitted revisions to Tariff, Schedule 12-Appendix A to incorporate cost responsibility assignments for baseline upgrades in the recent update to the Regional Transmission Expansion Plan (RTEP) approved by the PJM Board of Managers (PJM Board) on February 26, 2025.

On May 12, 2025, in Docket No. RD25-7-000, the ISO/RTO Council (IRC) submitted a Motion to Intervene and Comments to the April 10, 2025 Petition for Approval of Proposed Reliability Standard EOP-012-3 of the Northern American Electric Reliability Corporation.

On May 12, 2025, in Docket No. ER25-2202-000, 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 first quarter of 2025. PJM requested the revisions be effective as of March 31, 2025.

On May 9, 2025, in Docket No. ER25-2192-000, Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion") submitted proposed revisions to Attachment 3, Revenue Credit Workpaper, of its transmission formula rate ("Formula Rate") included in the PJM Tariff as Attachment H-16A. Dominion requests that its proposed revisions be effective as of January 1, 2025.

On May 8, 2025, in Docket No. EL25-79-000, the North Carolina Electric Membership Corporation (NCEMC) filed a Complaint against PJM claiming that the treatment of pseudo-tied resources in PJM's capacity market is unjust, unreasonable, and unduly discriminatory. Specifically, NCEMC argues that external resources owned by load serving entities that self-supply should be paid the clearing price associated with the LDA where a self-supply entity is located. NCEMC requested that the Commission use Fast Track procedures to issue a ruling on this Complaint by no later than June 30, 2025, with a refund effective date as of the earliest date possible.

On May 7, 2025, in Docket No. EL25-72-000, PJM submitted its Motion to Dismiss and Answer to the Complaint by Theresa and Alfred Ghiorzi (Complainants) against PJM. Complainants erroneously argue that PJM violated its Governing Documents and Manuals specific to the Regional Transmission Expansion Plan (RTEP) process when it approved a scope change of an RTEP project that was initially awarded to NextEra Energy Transmission MidAtlantic, Inc. and reassigned to three incumbent Transmission Owners.

On May 5, 2025, in Docket No. EL25-76-000, PJM submitted an answer to the Complaint against PJM by the Illinois Attorney General's Office, the Maryland Office of People's Counsel and the New Jersey Division of Rate Counsel against PJM. PJM's answer denies the Joint Consumer Advocates' claims that PJM's Base Residual Auction (BRA) for the 2025/2026 Delivery Year produced unjust and unreasonable results and asserts that the complaint is barred by the filed-rate doctrine.

On May 5, 2025, in Docket Nos. EL25-49-000, AD24-11-000, and EL25-20-000, PJM submitted an answer to certain entities' April 22, 2025 Joint Comments and Motion to Stay Proceedings and Request to Establish Settlement Judge Procedures.

On May 2, 2025, in Docket No. ER25-2129-001, PJM submitted on behalf of Commonwealth Edison Co. an amendment to correct metadata errors in the original filing on May 1, 2025. Commonwealth Edison Co. is requesting that the revisions to PJM Tariff Attachment H-13A be effective as of May 1, 2025.

On May 1, 2025, in Docket Nos. ER22-957-000 and EL22-26-000 (not consolidated), PJM submitted its thirteenth informational update to provide the Commission with the most updated congestion pattern information on the Northern Neck Peninsula.

On May 1, 2025, in Docket No. ER25-2129-000, PJM submitted on behalf of Commonwealth Edison Co. revisions to PJM Tariff, Attachment H-13A to clarify the rate treatment of Asset Retirement Obligations. Commonwealth Edison Co. is requesting that the revisions to PJM Tariff Attachment H-13A be effective as of May 1, 2025.

On April 30, 2025, in Docket No. ER25-2123-000, PJM submitted a proposal to revise the fixed Black Start Service cost component of the base formula rate and capital cost recovery rate for NERC-CIP specific recovery to replace references to the Net Cost Of New Entry with an annually updated fixed rate which would allow PJM to maintain reliability and incentivize resources to provide Black Start Service. PJM requested the revisions to become effective as of July 1, 2025.

On April 30, 2025, in Docket No. ER25-2107-000, PJM submitted a ministerial clean-up filing to update certain eTariff records with Tariff and RAA language that the Commission has already accepted regarding the capacity market-related provisions of PJM's Order No. 2222 compliance proposal. PJM requested that the updated eTariff records become effective July 1, 2025.

On April 28, 2025, in Docket No. ER25-2061-000, PJM submitted on behalf of Silver Run Electric, LLC revisions to Intra-PJM Tariff, section H-27A to Update depreciation rates. Silver Run Electric, LLC is requesting that these revisions be effective as of July 1, 2025.

On April 25, 2025, in Docket No. ER25-2038-000, PJM and Midcontinent Independent System Operator, Inc. (MISO) (together the RTOs), submitted proposed revisions to the Joint Operating Agreement (JOA) between PJM and MISO (MISO-PJM JOA). The revisions to MISO-PJM JOA, Article IX, section 9.3.3 were submitted as the result of ongoing coordination and collaboration between PJM and MISO to align the Affected System study processes for interconnection requests pending in the RTOs' respective queues. MISO submitted a simultaneous filing, in Docket No. ER25-2040-000, to incorporate revisions in its own version of the JOA. PJM and MISO requested an effective date of June 25, 2025.

On April 23, 2025, in Docket No. EL25-63-000, PJM filed a Motion for Leave to Answer and Answer to Savion, LLC'S (Savion) April 8, 2025 Answer. PJM argued that the plain language of the AF1-130 Agreements controls, and there is no right to partial suspension for a project that has commenced operations in part. PJM further argued that to the extent the Commission does not summarily reject Savion's complaint as a matter of law, the Commission would be required to set the complaint for hearing because Savion's proffered materials and claims require findings as to disputed facts.

On April 23, 2025, in Docket No. ER25-1525-000, PJM submitted an Answer to the Motion for Leave to Answer of the Independent Market Monitor for PJM regarding the proposed updates to the availability hours of Demand Resources and updates to the definition of Winter Peak Load.

On April 22, 2025, in Docket No. ER25-1623-000, PJM filed an Answer to the Old Dominion Electric Cooperative's (ODEC) April 4, 2025 protest. PJM argued that ODEC's protest of the Necessary Studies Agreement between PJM and LSP Digital Infrastructure, LLC is premature and does not demonstrate that the agreement is unjust and unreasonable.

On April 21, 2025, PJM submitted a Motion for Leave to File Answer and Answer (Answer) in Docket No. ER25-1633-000, the docket which addresses the Valley Link Transmission Companies' proposed formula rate and requested transmission rate incentives. In the Answer, PJM responds to protests raising challenges to PJM's Regional Transmission Expansion Plan (RTEP) planning process.

On April 18, 2025, in Docket No. ES25-37-000, PJM filed Exhibits C, D and E to the Federal Power Act section 204 application it filed on March 28, 2025. These financial exhibits are based on the FERC Form No. 1 that PJM filed with the Commission on April 15. The application, which is otherwise unaffected by this supplemental filing, seeks authorization for PJM's (i) issuance of an unsecured promissory note for borrowing under its existing bank line of credit and (ii) provision of a line of credit to PJM Settlement, Inc., and requests that the Commission issue an order granting the requested authorizations with an effective date of May 30, 2025.

On April 18, 2025, in Docket No. ER25-2002-000, PJM submitted revisions to the PJM Open Access Transmission Tariff to mitigate the impacts that final effective load carrying capability ("ELCC") and Accredited Unforced Capacity values may have on capacity commitments that were made based on earlier ELCC values that were utilized in prior Reliability Pricing Model Auctions for a given Delivery Year. PJM requested the proposed revisions become effective on June 18, 2025.

On April 17, 2025, in Docket No. ER25-785-002, PJM submitted a Motion for Leave to Answer and Answer to the requests for rehearing of the Commission's order accepting PJM's proposal to extend the capacity must-offer requirement to all Existing Generation Capacity Resources and update the Market Seller Offer Cap rules.

On April 15, 2025, in Docket No. EL25-76-000, PJM submitted a protest to the Joint Consumer Advocates' request for fast track processing of their complaint against PJM that alleges the Base Residual Auction for the 2025/2026 Delivery Year produced unjust and unreasonable results.

On April 15, 2025, in Docket No. EPA-HQ-OAR-2024-0419, PJM submitted comments on EPA's New Source Performance Standards Review: Stationary Combustion Turbines and Stationary Gas Turbines.

On April 15, 2025, in Docket No. CP25-29-000, PJM submitted comments in support of Eastern Gas Transmission and Storage, Inc.'s abbreviated application for the Capital Area Project.

On April 14, 2025, in Docket No. EL25-76-000, Joint Consumer Advocates, including the Illinois Attorney General's Office, the Maryland Office of People's Counsel and the New Jersey Division of Rate Counsel, submitted a complaint against PJM. The Joint Consumer Advocates requested that the Commission: (1) establish a refund effective date; (2) find that PJM's Base Residual Auction (BRA) for the 2025/2026

Delivery Year produced unjust and unreasonable results, and (3) re-conduct the 2025/2026 BRA by adding Wagner and Brandon Shores to the supply stack and require all existing generation resources to be offered into the 2025/2026 BRA. The Joint Consumer Advocates request a shortened response deadline of April 29, 2025 and seek fast track treatment requesting Commission action by May 31, 2025.

On April 14, 2025, in Docket No. ER25-612, PJM filed a Motion for Leave to Answer and Answer regarding the status of PJM's 2025 annual re-evaluation of Transource Project 9A.

On April 11, 2025, in Docket No. ER25-1633-000, PJM submitted a Motion for Leave to Answer and Answer in response to filings opposing PJM's motion to intervene out-of-time in the docket addressing Valley Link's proposed formula rate and request for transmission rate incentives.

On April 11, 2025, in Docket No. ER25-1937-000, PJM submitted an administrative clean-up filing to ensure the Operating Agreement correctly reflects the Commission's accepted language in Operating Agreement, Schedule 6, section 1.5 effective August 28, 2024.

On April 11, 2025, in Docket No. ER25-1930-000, PJM submitted on behalf of Virginia Electric and Power Company, doing business as Dominion Energy Virginia ("Dominion"), revisions to Attachment H-16C of the PJM Tariff to update the prior-year actual Other Post-Employment Benefits ("OPEB") expense to reflect the 2024 actual OPEB expense under Dominion's transmission formula rate. Dominion requests that the revisions to Attachment H-16C become effective June 13, 2025.

On April 11, 2025, in Docket No. ER25-1128-001, PJM submitted responses to the Commission's letter dated March 12, 2025 requesting additional information about PJM's proposed revisions to Part VIII of the Tariff that are intended to enhance the process for transferring Capacity Interconnection Rights from deactivating generation resources to new replacement resources (each a Replacement Generation Resource). PJM requests an effective date for the changes be the date of Commission action.