

## **Statement of PJM Interconnection, L.L.C. on Data Transparency and Confidentiality**

May 21, 2025 - Markets and Reliability Committee

Item 02A - ELCCSTF Data Transparency Package

### **I. Introduction**

The Independent Market Monitor for PJM (“IMM”) questioned the proposed changes to Manual 33, section 6.1 reviewed by stakeholders as part of the effective load carrying capability (“ELCC”) data transparency package endorsed by the ELCC senior task force. The proposed revisions expressly clarify that PJM shares historical unit-specific ambient adjustment information from the electronic Dispatcher Applications and Reporting Tool (“eDART”) with current resource owners. Specifically, the proposed revisions clarify that:

“Supporting Data for Unit Specific ELCC Calculations: In order for resource owners to understand the ELCC accreditation of their resources, historical unit-specific eDART ambient adjustment data shall not be designated as confidential for the limited purpose of sharing such data with the current owner of the unit.”

### **II. Historical Unit-Specific Performance Data is Available to Current Resource Owners under NERC Rules, the PJM Operating Agreement, and Long-Standing Industry Practice.**

The proposed revision to Manual 33, section 6.1 noted in the Introduction is being added solely for clarity that current resource owners can have access to historical ambient adjustment data stored in eDART. This clarification provides parity with the existing NERC rules which expressly specify that “historical event and performance data will follow the unit” and for which similar historical unit-specific performance data is already available to the current resource owners in the Generator Availability Data System (“GADS”).<sup>1</sup>

Just as historical unit-specific GADS performance data is currently and has always been available to the current resource owners, consistent with the NERC rules cited above, ambient adjustment data in eDART should follow the unit and be shared with current unit owners. [Operating Agreement, section 18.17](#) provides that data is designated confidential pursuant to PJM’s procedures. This proposal merely updates PJM’s procedures to clarify that such historical outage data shall not be designated as confidential for the limited purpose of sharing such data with the current owner of the unit.

This clarification is appropriately proposed in [PJM Manual 33, section 6.1](#), as that section already delineates which information is designated as confidential. Specifically, Manual 33, section 6.1 already includes a provision that designates resource outage data as member confidential except under certain circumstances when included in a report.

---

<sup>1</sup> North American Electric Reliability Corporation (NERC), Data Reporting Instructions, (Jan. 1, 2025), Appendix A - Change in Unit Status Report Form, available at [https://www.nerc.com/pa/RAPA/gads/DataReportingInstructions/Appendix\\_A\\_Change\\_of\\_Unit\\_Status\\_2025.pdf](https://www.nerc.com/pa/RAPA/gads/DataReportingInstructions/Appendix_A_Change_of_Unit_Status_2025.pdf).

Thus, for all other purposes, PJM’s procedures currently detailed in Manual 33 designate outage data as member confidential. Accordingly, to effectuate the stakeholder proposal, PJM is updating this section in Manual 33 to further clarify that historical unit-specific outage data in eDART will no longer be designated as confidential for the limited purpose of sharing such data with the current owner of the unit.

This is also consistent with PJM’s standard [Operating Agreement, section 12](#), which expressly states that those rights and obligations inure and bind successors. Specifically, Operating Agreement, section 12 explains that when electric operating properties are acquired by a successor “by reason of a merger, consolidation, reorganization, sale, spin-off, or foreclosure,” “[t]he rights and obligations created by this Agreement shall inure to and bind the successors and assigns of such Member.” Similar provisions can also be found throughout PJM’s interconnection agreement provisions. *E.g.*, [Tariff, Att. O, App. 2, sec. 12.3](#); *id.*, [Att. P, App. 2, sec. 10.3](#). This is the case for both entity and asset transfers:

### **Entity Transfers**

When an entire entity is transferred by an upstream change of control or a transfer of the stock or membership interests, the *entire entity* is transferred, including the assets, liabilities, and entitlements to relevant data and information. This is true whether the transfer occurs via a merger, consolidation, or equity interest sale. It is also true when an entity’s name changes.

That means the historical data of the power plant, being an internal asset of the organization, is transferred as well. Where the legal identity continues (even if under new ownership), all historical records, or the rights to those historical records—including operational logs, maintenance records, performance data, and other data generated during the life of the power plant—remain with the entity.

### **Asset Transfers**

Under current and longstanding industry practice, asset transfers under Federal Power Act section 203<sup>2</sup> or under the Bankruptcy Code, as many asset transfers occur during bankruptcy such as the recent bankruptcy asset transfers of Elgin Energy Center, LLC and Rocky Road Power, LLC,<sup>3</sup> include provisions that give rights to the transferee that include all books and records, which would include historical unit-specific performance data and other generator information, thereby already giving the current owner of the asset the rights to that information.

Accordingly, this proposed clarification serves as a redundant but useful clarification to what is already standard practice under federal law.

---

<sup>2</sup> *E.g.*, *Dynegy Roseton, L.L.C.*, 142 FERC ¶ 62,148, 64,336 (2013) (noting that “[t]he jurisdictional facilities consist of interconnection facilities, market-based rate tariffs, and associated contracts, books and records”) (emphasis added); *Montgomery L’Energia Power Partners LP*, 135 FERC ¶ 62,264, 64,701 (2011) (including records as “Acquired Assets”); *see also Elgin Energy Center, LLC*, Docket No. EC23-122-000, Exhibit I - Asset Purchase Agreement, Article II, section 2.01(a)(xi) (Aug. 14, 2023).

<sup>3</sup> *E.g.*, *In re: Lincoln Power, L.L.C., et al.*, Case No. 23-10382 (LSS), Docket Nos. 251 and 277, Asset Purchase Agreement, Article II, section 2.01(a)(xi) (Bankr. D. Del. 2023).